ROYAL COMMISSION ON LABOUR.

FOREIGN REPORTS.

Volume II.

THE COLONIES AND THE INDIAN EMPIRE.

WITH AN

APPENDIX ON THE MIGRATION OF LABOUR.

Presented to both Houses of Parliament by Command of Her Majesty.
June 1892.

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NOTE.

The Commission has received a large number of documents from the Foreign Office and the Colonial Office. These have proved in some cases insufficient for the purposes of the Commission, and in other cases too voluminous to make it possible to publish them in the form received.

The Secretary has therefore been directed to prepare Reports from these and from other sources for the use of the Commission. These Reports are to be published in connection with the proceedings of the Commission, but the Commission is in no way responsible for the statements of fact or of opinion which they contain.

ROYAL COMMISSION ON LABOUR.

44, Parliament Street, London, S.W.,
December 23rd, 1892.

My Lord Duke,

I have the honour to submit to you the report which I have been directed to draw up on the Labour Question in the Colonies.

It is, I believe, the first attempt which has been made to deal with the subject as a whole. The materials have been collected with great difficulty and after much correspondence with officials and private friends in the Colonies. To these and to the Agents-General in London, as well as to the Librarian of the Colonial Office, I may perhaps be permitted here to express my thanks.

The Colonial Report is followed in this volume by the Report which has been transmitted by the India Office on the Conditions of Employment in the textile industries in India, of which I have drawn up a summary.

The connecting link, however, between the Colonial and Indian Labour Questions is to be found in the migration of labour. If this is not now a burning question in England or the United States, it is a pressing matter in the Colonies and India, and one of vital importance in Italy and South America. I have, therefore, in an Appendix touched upon some of the more salient facts, together with some of the opinions connected with the subject, and have given the text of the more important laws which have been passed thereon in those non-European countries from which information has been obtained by the Commission.

I am,
Your Grace's obedient servant,
GEOFFREY DRAGE,
Secretary.

To His Grace the Duke of Devonshire, K.G.,
Chairman of the Royal Commission on Labour.

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REPORT ON THE LABOUR QUESTION IN NEWFOUNDLAND AND THE DOMINION OF CANADA.

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REPORT ON THE LABOUR QUESTION IN NEWFOUNDLAND AND THE DOMINION OF CANADA.

I.—TRADE DIFFERENCES BETWEEN EMPLOYERS AND EMPLOYED.

A.—General Relations between Employers and Employed.

1. Employers' Associations.

Such unfriendly relations between employers and employed as exist in the Dominion of Canada are attributed in the Report of the Royal Commission on the Relations of Labour and Capital, appointed in 1886, to the very rapid growth of the factory system since the introduction of the protective tariff in 1879. This report states that "in acquiring the industries at one "bound, we have also become possessed just as quickly "of the evils which accompany the factory system," and again, that "there seems to be no idea of any "obligation existing between the employer and his "operatives, any more than the mere payment of "wages." The Commissioners also mention that a number of witnesses refused to permit the publication of their names and alleged as a reason their fear of being dismissed or blacklisted. Though the Commission are of opinion that the majority of employers were quite willing that their hands should testify, yet the evidence taken sufficiently establishes the existence of the practice of blacklisting amongst Canadian manufacturers (*see* p. 8). On the other hand the Report of the Ontario Bureau of Industries for 1889 states that the greater part of its agents speak of the general relations between employers and employed as most harmonious, and although as a rule the employed are more desirous of submitting disputed questions to arbitration than the employers, yet both parties show an increasing willingness to employ some form of conciliation.(1)

A number of employers' associations have been formed in the Dominion of Canada. Some of them aim only at protecting the interests of employers from aggression on the part of those whom they employ, whilst others are more of the nature of the "ring" or "trust," and aim at maintaining prices and restricting competition. To the first class belongs the Association of Master Carpenters of Toronto, which, according to the evidence of one witness, aimed at destroying any union on the part of the men. A Builders' Exchange was organised at London, Ontario, to consider the best means to be adopted towards men on strike, and the United Business Men's Association of Chatham was organised to check the strength and power of the Knights of Labour. There is also in Quebec a Master Printers' Association which was organised during a strike amongst printers. A combination amongst box manufacturers in Toronto was declared by a journeyman box-maker to have had a different object. The employers' combination induced the men to join a labour organisation, and then circulated a statement that owing to the existence of this organisation there had been a rise in wages, and that the price of boxes would therefore be raised. They then discharged a number of the employés, whose places they were able to supply by the use of improved machinery. Other examples of associations of employers whose object is the maintenance of prices are the Cotton Manufacturers' Association for the Dominion of Canada, the wholesale Grocers' Association of Montreal, with various branches, the Undertakers' Association of Montreal, and the Sugar Combination which has a Dominion guild and subordinate branches. This trust provides the Canadian refiners with a list of the names of persons to whom they may sell. It is connected with the Grocers' Association and controls the market, but the prices which it has fixed have not been exorbitant.(2) Indeed, the Canadian Law provides for the punishment of "undue" exactions in prices, or "undue" compulsion brought to bear upon competitors in trade, and the interpretation of the word "undue" is left to the court.

2. Labour organisations.

Canadian employers as a whole do not appear to be hostile to labour organisations, though there are a few instances in which workmen have been obliged to sign documents pledging themselves not to join any union of the kind. The Royal Commission is of opinion that since trade unions are legalised by the laws of the Dominion, any contract which binds the workman to abstain from attaching himself to one of these organisations ought to be declared void and of no effect by law. The superintendent of the Toronto Street Railway stated in evidence before the Commission that "before securing work from the company men had to sign a paper "pledging themselves that they will not join any "labour organisation while in the employ of the company." He also said that "the company had no "objection to men belonging to anything but labour "organisations." Some employers, when asked if they would employ members of labour organisations, refused to answer the question, but on the other hand several expressed a conviction that the action of the unions was beneficial to trade.(3)

The Royal Commission stated in 1889 that associations of working men had spread very rapidly of late years, but the reports of the Ontario Bureau of Industries for 1888 and 1889 speak of a decrease. In 1888 there is said to be a decadence in numbers and energy at several places in the province, and a marked increase at three. In 1889 labour is said to be no longer organised to the same degree as prevailed a few years previously.(4)

Besides the trades unions strictly so called, the Order of the Knights of Labour, which originated in the United States, has many adherents in Canada and has organised a number of local and district assemblies. The Patrons of Husbandry, or Grangers, who also belong to the United States, have at least one Canadian grange remaining at Southwold in Ontario. Some of the trades unions, as, for example, the Brotherhood of Carpenters, are branches of unions which have their head-quarters in the States, and the English unions of the Amalgamated Engineers and the Amalgamated Carpenters have Canadian branches.

The most highly organised and effective amongst the trade unions is that of the iron moulders, which has branches throughout the Dominion. The builders' labourers and the painters are well organised, and there is a strong union amongst ship labourers, whose bye-laws have given great dissatisfaction to the merchants of Quebec (*see* p. 10). The Typographical Union has also considerable influence.

The Ontario Bureau reports that, though attempts are made from time to time to introduce the principles of unionism amongst women, these attempts have met with very partial success. Hamilton and Toronto were the only two places in 1888 in which there were organisations composed exclusively of women, and in 1889 Toronto appears alone. These organisations are branches of the Knights of Labour, and some of the "mixed assemblies" belonging to this Order reckon women amongst their members.(5)

Employers display more hostility towards the Knights of Labour than towards the older unions, though the testimony of the various witnesses tends to show that both the old and new labour organisations alike seek to substitute a peaceable method of settling disputes for the strikes and lock-outs which have hitherto prevailed. The report of the Royal Commission speaks warmly of the influence for good exercised by labour organisations in this matter, as well as of the benefits which they secure to their members. "Slowly but surely are capital and "labour becoming drawn more closely together as the "aims and principles of united labour are better understood." They state further that "where labour organisations existed, very many of the largest employers of "labour have endorsed what the men have stated in "reference to their desires in this respect." As regards the benefits which these organisations confer upon their members, the Commission is of opinion that their existence raises the rate of wages and maintains it throughout the year.

(1) Report of the Royal Commission on Labour, 1889, pp. 7, 78, 87, 111. Report of the Ontario Bureau of Industries, 1889, pp. 21, 22.
(2) Evidence given before the Royal Commission on Labour, Ontario, pp. 82, 128, 263, 297, 363, 438, 620, 880, 1062; Quebec, pp. 612, 655, 929. Report of Ontario Bureau of Industries, 1888, pp. 130–135. "Trusts in the United States" by Professor Jenks in the "Economic Journal" for March, 1892.
(3) Report of the Royal Commission on Labour, 1889, pp. 80, 98, 111. Report of Ontario Bureau of Industries, 1888, pp. 134, 135.
(4) Reports of Ontario Bureau of Industries, 1888, p. 16; 1889, p. 23. Report of Royal Commission on Labour, 1889, p. 82.
(5) Reports of Ontario Bureau of Industries, 1888, pp. 16, 17; 1889, pp. 23–26. Evidence given before the Royal Commission on Labour: Ontario, pp. 260, 955, 395–398, 507, 794, 865; Quebec, pp. 906, 840, 870, 1074, 1089; Nova Scotia, pp. 30–38, 102–106, 107–109.

Most of the unions possess benefit funds, but very few are willing to make the conditions of these funds public. The agents of the Ontario Bureau profess their inability to obtain details, and many of the witnesses before the Commission express an opinion that such funds ought to be registered, and that the societies ought to have the power to put themselves under the control of the State as in England and France. A few give evidence as to the amount paid by their unions. The Moulders' Union pay $4 a week sick benefit and $300 to the family in case of death. The Painters' International Union give $3 a week sick benefit, and to six months' members $25 on the death of a wife, and $50 on the death of a husband. These death benefits are doubled after a year's membership. Most labour organisations strive to promote temperance as well as thrift amongst their members, and the Royal Commission are of opinion that "in view of the good already accomplished, the "increase of such societies should be encouraged by "all legitimate means."(1)

The Dominion Trades and Labour Congress, to which all the labour organisations send delegates, was organised in 1873 on the model of the English Trades Union Congress. It continued to meet annually until 1877, when a spirit of indifference towards organised labour seems to have affected the country generally. Its meetings were dropped, and no congress of the kind was held until 1883, when the Toronto Trades and Labour Council summoned representatives of labour organisations to meet at Toronto. The next meeting was in 1886, when a permanent organisation was adopted under the title of the Trades and Labour Congress of the Dominion of Canada. Since that time the meetings have been annual, and the permanent executive have been entrusted with the duty of watching over the interests of labour, and of drawing up such petitions to the Federal Parliament, or the provincial legislatures, as seem to be necessary.(2)

B.—Causes of Strikes and Lock-outs.

1 Wages.

a. Advance or reduction.

Strikes are, as yet, few in the Dominion of Canada; such as have occurred have been chiefly concerned with wage disputes. The Ontario Bureau of Industries reports seven strikes during the year 1888, of which five were concerning wages. In 1889 the same bureau reports thirteen strikes, eight of which were for an advance, or against a reduction, in wages. Cotton operatives struck three times during the two years; in two cases the difficulty arose from a proposed reduction in wages, and in the third case the weavers claimed that the "cuts" had been made longer without any increase of pay for the extra work. Fifteen out of twenty-six strikes mentioned in the evidence taken before the Royal Commission on Labour are also assigned to disputes about wages.(3)

b. Infrequent payment of wages.

A number of witnesses stated to the Commission that in the opinion of working men the weekly payment of wages would be for their advantage. On the other hand the Ontario Bureau of Industries reports a growing tendency in the direction of fortnightly pay days, and states that railway servants are paid once a month. Employers urge that the adoption of the weekly payment system would oblige them to keep a larger clerical staff, and would, therefore, involve them in more expense. Saturday is the usual pay day, though some firms pay on Friday and others on Monday or Tuesday. It is not unusual for the employer to retain a sum varying from two or three days' to two weeks' pay as security against the men's leaving the factory without due notice. This is resented by the employés in many cases, for they regard it as a scheme "to obtain money "without paying interest on it, and to carry on the busi- "ness with capital belonging to the employés." A strike took place amongst the men employed in a furniture factory at Listowel, Ontario, to obtain back wages due to them, whereupon the firm made an assignment, and the claim of the employés was paid through the assignees. The women employed in a Quebec knitting factory went on strike because they were asked to do more work for a certain rate of payment than they had been accustomed to do. On this the firm refused to give them the two weeks' pay already earned which remained in their hands. The evidence taken at Quebec contains several such instances, and the system of deferred payment seems to be more common in that province than in Ontario. (4).

c. Method of payment.

The Royal Commission on Labour report that throughout the Dominion of Canada wages are almost always paid in cash. The truck, or store system, where it does exist, is to be found principally amongst miners and lumbermen, and is usually associated with a system of infrequent payments. The manager of a large mining store in Cape Breton stated in his evidence before the Commission that the goods which the company furnish to their employés could be given at a cheaper rate, and the result of the system is often to involve the workman in debt to such an extent that, when the long deferred pay-day arrives, the balance is found to be against him. One method employed by an Ontario firm consisted in paying its employés by cheques and scrip, which, if tendered in payment at any other store but the Company's, were liable to a heavy discount. Except in the mining districts of Nova Scotia, however, such instances are rare. There is no legislation in Canada against the truck system, nor are employers compelled by law to pay their workpeople at any stated intervals, but most of the provinces have laws which give mechanics and labouring men a lien upon the products of their labour. In view of the fact that working men sometimes have difficulty in obtaining their rights under these liens, the Commissioners recommend that liens for wages should form a first claim upon a building, or machinery, or any article upon which they can legally be placed, and that in case of the failure of a firm, three months wages of all operatives should rank as a preferential claim, to be settled in full by the assignee before he deals with the accounts of other creditors (5).

d. Fines or other deductions.

The fining of employés is only practised in factories which employ women and children, and though the practice is not widely prevalent in Canada, the evidence given before the Commission shows that it is on the increase. In two factories under the same management a sum of $2,706 was confiscated from the employés in one year; this was equal to one per cent. of the wages paid and over one-quarter of the ten per cent. dividend paid to the shareholders. The Government institutions are not free from the system. In the Quebec cartridge factory one boy had four cents left at the end of the week and another seven, the balance having gone in fines, and a case was mentioned in the same factory, where forty-five of the employés were fined five cents each for the loss of some articles valued at 50 cents belonging to one of them; nevertheless the owner did not receive the price of her lost property. Fines are imposed upon railway servants at the discretion of the superintendents of the line. In the Quebec cigar factories the system is extensively practised. Coal miners in Nova Scotia are subject to deductions from their wages if the boxes into which they load the coal are not sufficiently full, or if there is more than a certain amount of stone amongst the coal sent up.

The Royal Commission recommend that the garnishment of wages should be forbidden by law. It is the subject of complaint amongst working men throughout the Dominion, and, when combined with the heavy charges attending the collection of small debts, constitutes a serious burden upon the labouring classes. In one case a debt of $4 for groceries was swelled by these costs to $15. The man's wages were seized at a time when his wife was ill, and in despair he took his own life. In another case recorded by the Commission a debt of $4.50 for house rent was made to amount to $13.18.(6)

2. Hours.

a Normal hours.

The rule for mechanics and others having regular employment in Canada is that ten hours constitute the working day. In the province of Ontario, however, nine hours a day is far from uncommon, with a somewhat shorter time on Saturdays. The working day in Nova Scotia and New Brunswick seldom exceeds ten hours, but from the province of Quebec much evidence of long continued labour came before the Commission. In some factories, where a number of children were employed, work began at 6.30 a.m., and was continued

(1) Report of the Royal Commission on Labour, 1889, pp. 9, 29, 34, 82, 111-114. Reports of Ontario Bureau of Industries, 1888, pp. 16, 17, 130-135, 144; 1889, pp. 23-26.
(2) Report of Ontario Bureau of Industries, 1889, pp. 60-76.
(3) Reports of the Ontario Bureau of Industries, 1888, pp. 15, 16; 1889. 21-23. Evidence given before the Royal Commission on Labour, 1889: Ontario, pp. 120, 178, 239, 288, 334, 338, 636, 679, 683, 795, 823, 1025; Quebec, pp. 955, 1300; Nova Scotia, pp. 144, 346-350, 416, 459.
(4) Reports of Ontario Bureau of Industries, 1888, p. 9; 1889, pp. 2-5. Report of the Royal Commission on Labour, 1889, pp. 63, 64, 101, 102.
(5) Report of the Royal Commission on Labour, 1889, pp. 13, 80, 83, 84, 100-102.
(6) Report of the Royal Commission on Labour, 1889, pp. 11, 73, 79, 83, 91, 117, 118. Report of Ontario Bureau of Industries, 1888, pp. 114-116. Evidence given before the Royal Commission on Labour, 1889. Nova Scotia, pp. 348, 357, 363, 369.

till noon, the hands resuming work after an interval of three-quarters of an hour, and going on till 7.30 p.m., or on some occasions even later, without any further interval. Some Montreal shops employ their clerks from 5.30 a.m. till 10 or 11 p.m., and at busy seasons dressmakers and milliners keep their workpeople from 8 a.m. till midnight. The opinion of the Commission is, however, that these instances are becoming more rare, and that the tendency is in favour of a nine hours' day. The eight hours movement appears to have affected Canada but slightly as yet, though some of the witnesses before the Commission declare themselves to be in favour of such a reduction.(1)

b. Strikes for a reduction of hours.

The Ontario Bureau reports no strikes for a reduction of hours, whether in 1888 or 1889, but in the evidence of witnesses before the Commission a few such strikes are mentioned in earlier years. One was amongst the working men of Chatham, Ontario, to obtain a nine hours' day on Saturdays, but it failed owing to the opposition of the United Business Men's Association. The men were, however, granted a reduction of half an hour. Amongst printers there have been strikes connected with the question of hours. One of these, in 1872, resulted in the establishment of a ten hours' day, and a later strike obtained the nine hours' day fixed by the Typographical Union. In this case an advance of wages from $7 to $8 a week was also demanded, and in some instances gained. In Nova Scotia the bakers struck for a reduction of hours, one of their chief grievances being the very early hour in the morning at which they were obliged to begin work. Before the strike they began work at 3 a.m., or earlier, and in some cases did not leave off until late in the evening. The hours after the strike are given in one shop as from 4 a.m. to 4 p.m.(2)

c. Overtime and night work.

No strikes are attributed to these causes, but night work appears to be no unusual occurrence, even for women and children, especially in the province of Quebec. A worsted factory at St. Hyacinthe is run all night when there is a press of business, and the doors are locked to prevent any of the employés from leaving during the night. Children coming in to the factory at half past six in the evening were kept at work until half past six in the morning, without any interval except a few minutes to take some food. This seems to have been an exceptionally bad case, but the report of the Commission draws attention to other cases, in which women and children were employed until 9 and 10 in the evening, and comments upon the necessity of some legal restriction of their hours. In the milling and lumber industries work is continued night and day, one gang going on when the other comes off, and each working twelve hours. The men in charge of the locks on the Rideau Canal complain of the amount of night work required of them. One man stated that he had worked from twelve o'clock on Sunday night until half past one on Wednesday, with two hours' sleep.(3)

d. Irregular work and holidays.

A large proportion of the Ontario factories did not work full time in 1888 and 1889. Many are reported to have been closed for two or more months during the year, and in some cases where they remained open the number of hands was considerably reduced. The closing of the ports by ice in the winter seriously affects the mining industry, and the Nova Scotia miners are anxious to see an increase in railroad facilities for transporting coal. The Saturday afternoon holiday is recognised in some trades, but is often accompanied with the loss of half a day's wages. In other cases the employés must work extra hours during the week or lose this pay, so that sixty hours is still the usual length of the working week. The movement in favour of this Saturday half-holiday has had most success in Toronto. In the Province of Quebec there are complaints that employés have been discharged for absenting themselves from work on religious holidays, and the manager of the Quebec Worsted Company admitted that such had been the case in his establishment.

The Commission recommend that one day in September should be set aside as a statutory holiday and known as "Labour Day."(4)

3. Difficulties connected with labour organisations.

Three strikes out of twenty reported by the agents of the Ontario Bureau during the years 1888 and 1889 are attributed to difficulties with labour organisations, or to similar causes. The first was a lock-out amongst builders' labourers at Hamilton, following upon a notification made by the master builders that unless members of unions connected with the building trades left their unions by a specified time, they would be discharged and non-union men secured. The result of this measure was that the employers found themselves almost without any assistance, and were at length obliged to give way. A strike of a similar character occurred on the Toronto Street Railways. According to the evidence of the secretary to the Ontario Bureau of Industry, the Street Railway Company forbade their employés to join the Knights of Labour or any labour association. Two hundred and seventy-five conductors and drivers struck, but the Company supplied their places with new men brought into the city, and the strikers were defeated. This account is based upon evidence collected by the agents of the Bureau from the employés; the Company refused to state whether or not they had discharged men because they were members of labour organisations. There have been difficulties between unionists and non-unionists, which have originated amongst the men themselves, in five instances. The Ontario Bureau reports a "riot between union and non-union sailors," at Collingwood, because the latter worked for less wages. The Toronto carpenters inserted a clause into the demands which they addressed to the Master Builders' and Master Carpenters' Associations, stating that none but union men should be employed, and though this demand was afterwards withdrawn, the men insisted that unskilled labourers should not be engaged to do carpenters' work, and that any man put to such work should receive a minimum wage of 25 cents an hour. The Quebec Ship-labourers' Society passed a bye-law prohibiting the use of foreign crews in the loading of Canadian vessels, whereupon the Norwegian Consul, Mr. Falkenburgh, instituted proceedings against the Ship-labourers' Society. They, in return, refused labour to all his ships and practically destroyed his business. A strike amongst stone-cutters took place in October, 1889, because of the employment of a foreman who was obnoxious to the men, and the Cigar Makers' Union ordered a strike in Montreal to protest against the system of searching the houses of the employés for stolen tobacco.(5)

C.—Development, Organisation, and Conduct of Strikes.

1. Details concerning strikes.

The Report of the Royal Commission on Labour states that "Canada has not experienced the same "disastrous results from trade disputes as have been "felt in other lands. Strikes have not been as "numerous nor as extensive with us as they have been "with other nations working under somewhat similar "trade conditions." This is borne out by the reports of the Ontario Bureau of Industry, which only record twenty strikes in two years for the whole Province. The average duration of these twenty strikes was about five weeks each; one amongst iron moulders in Galt lasted for six months, and many of the men left the town to seek for work elsewhere. In the strike amongst the builders' labourers at Hamilton the employers were brought to terms by the action of the architects, who began to make contracts with the men directly.(6)

2. Picketing and blacklisting.

There are complaints both from Quebec and from St. John, New Brunswick, with regard to the action of members of the Ship-labourers' Society. In the words of one witness, "these labourers have gone on the "steamer by hundreds, completely crowding her and "terrorising our men, who have quit work and left us, "leaving the steamers perfectly idle." The Federal Parliament passed an Act, known as the Quebec Act, in 1887 to meet such cases; it provides penalties and imprisonment with hard labour for a term not exceeding three months for any person who interferes with labourers about vessels or uses threats, but it does not prevent labourers from congregating in large numbers on the wharves near to such vessels. This is done both in Quebec and in St. John, and complaints are made that men are intimidated by these means. During the Toronto Street Railway Strike fears were

(1) Report of the Royal Commission on Labour, 1889, pp. 9, 37, 38, 72, 80, 98-100. Reports of Ontario Bureau of Industries, 1888, pp. 116, 122; 1889, pp. 19-21.

(2) Evidence given before the Royal Commission on Labour, 1889, Ontario, pp. 109, 437, 441, 462; Quebec, pp. 923, 976; Nova Scotia, p. 179.

(3) Report of Ontario Bureau of Industries, 1888, pp. 96-99, 116-122. Report of the Royal Commission on Labour, 1889, pp. 37, 38. Evidence given before the Royal Commission on Labour, 1889. Quebec, pp. 1281 *et seq.*

(4) Report of the Royal Commission on Labour 1889, pp. 12, 37, 38, 82, 114. Reports of Ontario Bureau of Industries, 1888, pp. 12-14, 101, 102; 1889, pp. 15-18.

(5) Reports of the Ontario Bureau of Industries, 1888, pp. 15, 16; 1889, pp. 22, 23. Evidence given before the Royal Commission on Labour, 1889; Ontario, pp. 78, 239: Quebec, pp. 129, 1017.

(6) Report of the Royal Commission on Labour, 1889, p. 93. Reports of the Ontario Bureau of Industries, 1888, pp. 15, 16; 1889, pp. 22, 23.

entertained that rioting and loss of life might result from the assembling of crowds in the streets to watch the proceedings of the strikers, but these fears were proved to be unfounded.

The evidence taken before the Royal Commission in Ontario indicated that blacklisting was practised by some cotton manufacturers, shipowners, cigar manufacturers, and iron manufacturers, and that a somewhat similar system was in use upon the railways. A cigar manufacturer testified that he knew many cigar makers who had been deservedly blacklisted, and that he kept such a list himself. Railway servants have little chance of obtaining employment unless they can show a certificate from their late employer, and they complain that these certificates are sometimes refused out of personal spite. The Quebec iron-moulders testify to the existence of black-lists in their industry, and the Nova Scotia miners declare that miners have been blacklisted because they have been prominent in labour organisations.(1)

D.—Cost and General Result of Strikes.

Of the twenty strikes reported by the Ontario Bureau of Industries during 1888 and 1889, eight were entirely successful, four succeeded partially, and four were failures. In the other cases the result was not reported. Even where the strike succeeded the loss in wages was often very considerable, and the total loss recorded during the two years amounted to $38,658. In some cases it could not be estimated, because the strikers, failing to gain their point, dispersed about the country seeking work, and in other cases the dispute remained unsettled at the time of the publication of the reports. No details are given as to the losses sustained by the employers, or by the community at large (2)

E.—Prevention and Settlement of Strikes.

1. By arbitration.

The Legislatures of Ontario and of Nova Scotia have passed Acts to facilitate the settlement of industrial disputes. The Ontario Trades Arbitration Act was passed in 1873, but has proved entirely ineffective, owing to the introduction of the following section:—

"Section 28.—Nothing in this Act contained shall "authorise the said board to establish a rate of wages, "or price of labour, or workmanship, at which the "workmen shall be paid."

The Royal Commission report that this act has never been used, and recommend that it should be amended or rescinded.

In 1890 an Act to amend the Trades Arbitration Act was passed, providing that "masters and workmen "making the agreement or memorandum mentioned "in section 3 of this Act, may by such memorandum "or agreement authorise the said board to establish a "rate of wages, or price of labour, or workmanship, "at which the workmen shall in future be paid." No details appear in the reports as to the working of the Act in its amended form.

In Nova Scotia a Mines Arbitration Act was passed in 1888, which provided for the appointment of two arbitrators by the workmen, and one by the managers; these three were to select a fourth; three of the four were to constitute a quorum, and arbitration was to be compulsory. The Bill in its first form contained a clause providing that if the managers did not comply with the award of the arbitrators, they would be liable to forfeit their leases. That clause was, however, dropped, and the managers were made liable for fourteen days' pay of all the men employed, the men on their side being made liable to a similar forfeiture should they fail to comply with the award. In 1890 the Act of 1888 was superseded by a new Mines Arbitration Act, appointing a board of arbitration, to consist of five persons, two "appointed by the Governor in Council "to hold office during pleasure," and two to be appointed from time to time by the two parties to the controversy. These two, representing the employers and the employed respectively, were to appoint the fifth member of the board. When a notice of arbitration has been received, the employer is to pay a sum equal to fourteen days' pay of all his employés into a bank, and that sum will be forfeited by either party who fails to accept the award. The reports contain no mention of any arbitration in accordance with these Acts, but one witness mentions that prior to 1888 arbitration was tried in two or three mining disputes, and that the result was satisfactory. A Bill for the establishment of a Bureau of Labour Statistics and in connection with this Bureau a Board of Conciliation and a Board of Arbitration was read for the first time in the Legislative Assembly of British Columbia on February 6, 1893, and for the second time on the following day.

The Halifax painters claim that they "invariably go in for arbitration" before sanctioning a strike; the strike, therefore, only takes place where arbitration fails. An attempt was made to arbitrate the questions at issue between the Hamilton Builders' Exchange and the builders' labourers, but the employers refused to proceed unless the labourers abandoned their unions. The tailors of London, Ontario, proposed arbitration in 1889, but, failing to come to any agreement with their employers, they went on strike and gained the rise in prices which they desired. In 1888 a strike amongst cotton mill operatives in Cornwall, Ontario, was settled by arbitration, and a similar strike during the same year was settled by negotiation between the two parties.(3)

2. By conciliation.

Besides this strike amongst cotton operatives, several cases are mentioned in which strikes were terminated by negotiation or conciliation. The building strikes of 1888 ended in a compromise, and a strike amongst Cornwall weavers was settled by agreement between the manager and a committee of weavers. A strike amongst rivetters at Owen Sound was settled by conciliation, and two more instances are given by the Ontario Bureau of Industries in 1889. The Bureau states that "surveying the whole field, there appears "to be a greater willingness than formerly on the part "of both employers and workpeople to resort to the "more conciliatory modes of settling disputes." This is borne out by the evidence given before the Commission. A very large number of witnesses express themselves as in favour of arbitration, whether voluntary or compulsory. Some are of opinion that the arbitrator in each case should have professional knowledge of the industry concerned; but, whatever method be adopted, all the labour organisations unite in urging the advisability of adopting the principle of arbitration. The Commission recommend the establishment of local and voluntary boards, reinforced by a permanent board connected with a Bureau of Labour Statistics for the Dominion, which should have power to send one of its members to intervene in any industrial dispute. If his mediation is unsuccessful, and his services as an arbitrator are refused, he should be empowered to present a report to the board as a whole, stating the facts of the case and the share of blame which, in his opinion, attaches to one or both of the parties. By these means the Royal Commission on Labour for the Dominion of Canada believe that trade disputes between employers and employed could be amicably settled.(4)

II.—CONDITIONS OF LABOUR IN CERTAIN SPECIAL INDUSTRIES.

A.—Mining, Iron, Engineering, Hardware, Shipbuilding, and Cognate Trades.

1. Mining.

With the exception of some copper and silver mines at Capetown, Quebec, mining in the Dominion of Canada is almost entirely confined to the province of Nova Scotia. British Columbia possesses great mineral wealth, but it is little worked; in Nova Scotia, however, where there are gold, iron and coal mines, the industry is of considerable importance.

The output of the gold mines in 1887 was 22,280 tons of quartz, yielding 21,211 ounces of gold, or an average of $19-worth to the ton, as against $5 in the Australian gold mines. The wages of the best miners are $1.50 for a day of ten hours, and the average wages are about $1.30. No children are employed underground, but a few are engaged above ground as drivers. In the Quebec copper and silver mines the employés

(1) Report of Ontario Bureau of Industries, 1888, pp. 94, 133, 135. Evidence given before the Royal Commission on Labour, 1889; Quebec, pp. 310, 1278; Ontario, p. 78; Nova Scotia, p. 340; New Brunswick, p. 209.

(2) Reports of Ontario Bureau of Industries, 1884, pp. 15, 16; 1889, pp. 22, 23.

(3) Report of the Royal Commission on Labour, 1889, p. 95. Evidence given before the Royal Commission on Labour, 1889. Nova Scotia, pp. 45, 273, 366. Reports of Ontario Bureau of Industries, 1888, pp. 15, 16, 131; 1889, pp. 22, 23, 70, 73. For texts of the Acts, *see* Appendix A.

(4) Report of the Royal Commission on Labour, 1889, pp. 80, 97. Reports of Ontario Bureau of Industries, 1888, pp. 15, 16; 1889, pp. 22, 23.

seem to be well satisfied with the conditions of their labour. They work in three shifts of eight hours each, and earn from $35 to $40 a month. The rate of wages is $1.65 a day, and the payments are monthly. Boys, who are employed in picking stones out of the ore, get from 40 to 60 cents a day according to their age. Wages are subject to no deduction, but the men subscribe to a benevolent fund of their own, which they manage themselves. If there is an excessive amount of sickness at any special time, the firm supplement the funds of the society.(1)

In the Nova Scotia iron mines the men are paid both by the day and by the piece. In the latter case the miner contracts to get iron ore out at so much per ton, and the men prefer the contract system, as the wages which they can obtain by it are higher than the rate paid to day labourers. These receive either $1.19 or $1.28 a day, according to their skill. Contract miners average $1.50 a day, and are paid at different rates according to the quality of the ore. The mines are worked by two shifts, each shift being in the mine nine hours. Blast-furnacemen work in two shifts, nominally of twelve hours each, but by a private arrangement amongst them one shift works ten hours and the other fourteen, alternating each week. They also work on Sundays, but receive nothing beyond the ordinary daily rate. The table of wages paid at the Londonderry Iron Company's Ore Mines gives $1.62 as the average day's pay for miners, $1.07, $1.15, and $1.35 for miners' labourers, and 30 or 90 cents for boys, according to age. Firemen get $1.25 and $1.15 and timbermen $1.36. Amongst furnacemen, keepers get $2.30 for a day of twelve hours, and helpers $1.25. Gasmen get $1.80, engine keepers $1.63, and pig iron lifters $1.65 and $1.25. These are the average rates calculated for the three months ending December 31st, 1887. The wages of iron miners, which are paid monthly, are subject to a deduction of 45 cents a month for the doctor, and where the miners live in houses owned by the employers, the rent is deducted before the wages are paid. The men are supplied with coal by the employers at the rate of $2.75 a ton, or, according to the employers' statement, 25 cents less than the price paid by the public. A considerable number of boys of from twelve to fifteen years of age are employed.(2)

Coal miners' wages in Nova Scotia average from $1.40 to $1.60 a day; a few of the miners who work by contract make $2, but this is a somewhat exceptional rate. In British Columbia wages are as high as from $3 to $3.50 a day. Boys employed to open and shut doors in the Nova Scotia mines get 45 cents a day, and boy-drivers get from 60 to 80 cents. Contract miners are paid by the box and are liable to deductions for short weight, or for too large a proportion of stone. There is some complaint that the lamps used give insufficient light, and that it is, therefore, difficult for the miner to see the stone. The men in one mine employ a check-weighman on their own account, paying him themselves, and though he has no legal status and no recognised authority, his presence at the screen serves as a check upon excessive deductions. The miners buy their own powder and oil, in most instances from the companies, and in a few cases they are expected to deal at the company's store for other goods as well. Their wages are paid monthly, and, as in the case of the iron mines, are subject to deductions of 45 cents a month for the doctor from married men, and 35 cents from single men. All miners over age are liable to this 35 cent deduction. Half a ton of coal is supplied to the men for 88 cents, and miners who are not ratepayers are charged for school and poll taxes.

The chief complaints made by the miners refer to the inadequacy of the hoisting apparatus and the want of facilities for conveying the men and their tools to and from the mine. Their wages are, they say, often reduced by their inability to get all the coal which they could cut conveyed to the surface, and they claim that fewer men should be employed, or that additional means of hoisting the coal should be supplied. Entrance to the mines is by a sloping road, and the miners have to walk and to carry their own tools, or else to ride upon the cars provided for the coal at their own risk, as the managers will not guarantee their safety if they choose this method of descent. The miners are of opinion that some safe means of conveyance might be found.(3)

(1) Evidence given before the Royal Commission on Labour, 1889: Quebec, pp. 1247-1264; Nova Scotia, pp. 83, 90.
(2) Evidence given before the Royal Commission on Labour, 1889, Nova Scotia, pp. 23-268.
(3) Evidence given before the Royal Commission on Labour, 1889, pp. 269-308, 335-370, 380-383, 407-485. Journal of the Royal Colonial Institute, March 1892, p. 223.

The earnings of puddlers are about $2.50 a day on an average; they are paid by the ton, and to earn those wages must work from 10 to 12 hours a day. Their helpers receive $1.25 to $1.35; bar rollers get from $1.75 to $2, and train rollers from $4 to $6 a day, but their wages are subject to some deductions for the pay of their helpers. All these classes of iron workers are paid by the piece, but each shift must work for from ten to twelve hours. 2. Iron works.

Amongst mechanics pattern makers get $1.75 a day, moulders from $1.50 to $2.10, machinists (engineers) from $1.25 to $2, and general labourers from $1 to $1.25. In all these classes the day's work is ten hours. Overtime for machinists is paid at the rate of one and a half. In the Nova Scotia steel works rollers get $4 to $5 a day, and heaters $2, subject to no deduction, the wages of steel rollers being the highest paid for this class of work in Canada.(4)

A number of the engineers who gave evidence before the Commission spoke of the necessity of instituting some examination to test the skill of men employed to take charge of engines and boilers. The presence of unskilled engineers is fraught with danger to the public, and the witnesses are of opinion that all engineers should be obliged to pass an examination, and that graded certificates of proficiency should be given, qualifying the holder to fill posts of varying responsibility and difficulty.(5) 3. Stationary engineers.

Ship carpenters in St. Catherine's, Ontario, receive $2 a day; in Kingston the wages of first-class shipwrights are given as $1.75, and of inferior workmen as $1.10. Caulkers in Nova Scotia get $2.70 a day, according to the evidence of one shipping master.(6) 4. Shipbuilding.

B.—Transport and Agriculture.

Railway employés complain of the infrequency with which they receive their pay. On all the lines the men are paid monthly, and the companies retain fifteen days' pay, not paying on the 1st of the next month for the month preceding, but waiting till the 15th. Garnishment of wages for debt is, therefore, common, and if it occurs twice in a man's career, it ensures his dismissal from the company's service. 1. Railway service.

Freight conductors on the Grand Trunk Railway are paid $2.15 a day, and average from $60 to $70 a month. On the Intercolonial Railway, conductors work from six to seven hours a day and get $2.50; some of the oldest conductors also receive an extra $10 a month. Locomotive engineers on that line get $2.75 a day after six years' service, their wages being gradually advanced from about $2 a day. Firemen average $1.50 a day, and brakesmen $1.35. The usual hours for railway employés are from eight to twelve a day, though in some cases baggage men and clerks are kept at work for seventeen hours every day except Sundays. Sunday work is required on a number of the lines, and is not paid at any extra rate.

The average day's trip on the Grand Trunk and Michigan Central railways is about ten hours, but both conductors and engine drivers testified before the Commission that they were often called upon to remain on duty for much longer periods, in some cases for twenty-four or thirty-six hours. A very large number of railway employés gave evidence with regard to the number of accidents occurring, and to the dangerous character of the present methods of coupling cars and of adjusting brakes. The running-boards are often far too narrow, and freight cars are not provided with a rail, though the brakesmen have to pass over the tops of them when the train is in motion, and this in winter when the cars are often coated with ice. These dangers, and the accidents which they occasion, call attention to the defects of the law regarding employers' liability in the Dominion of Canada. In Ontario the "Workmen's Compensation for Injuries Act," passed in 1886, affords a remedy in certain cases, but expressly excludes all railways which have established insurance and provident societies, and which contribute a sum in aid of the sick benefits and allowances of such a society. The sum is not named, and though the Grand Trunk Company does subscribe $10,000 to the sick fund, it would be equally indemnified if its subscription were very much smaller, and the benefits accruing to the members of the Assurance and Provident Society are very much less than the compensation which the law would allot to them. The employés

(4) Evidence given before the Royal Commission on Labour, 1889, pp. 246-252, 257-260, 309, 388-398.
(5) Report of the Royal Commission on Labour, 1889, pp. 105, 106.
(6) Evidence given before the Royal Commission on Labour, 1889: Ontario, pp. 910, 998, 1056; Nova Scotia, pp. 227, 228.

on the Grand Trunk Railway are opposed to this system of compulsory insurance, whereby their money is deducted and paid into a fund over which they have no control. In the case of the Michigan Central Railway, a division superintendent stated in evidence that "we "require our men going on duty on freight trains to "sign an agreement that the company will not be held "responsible or liable in case of accident to their person "while on duty in regard to coupling cars. We tender "to every man who is employed on a train to couple a "safe made on purpose to reach in and take hold of the "coupling and raise it up and enter it into the next "drawhead, so that the man himself will not have to go "in between, and in that case we compel him to sign an "agreement that he will not hold the company liable "in case he is hurt in such-and-such duties." Nevertheless on this road there is no insurance system. In other industries the Ontario Act has proved of service, and the Royal Commission recommend the passing of similar Acts in other provinces, or of an Act by the Federal Parliament for the whole Dominion. At present actions can be brought in Quebec under the Napoleonic Code of 1804, which still remains the Civil Code for the province, but the delay and expense attending that mode of procedure cause it to be little used. In the other provinces, workmen are still debarred by the doctrine of common employment from obtaining any redress.(1)

2. Street railways.

The average earnings of the employés on the Toronto Street Railway were given by the superintendent. Conductors get $10 for six days' work, or $1.66⅔ a day, and drivers get $1.50 a day. Stablemen are paid $8.50 a week, and have a certain amount of Sunday work. Labourers receive $1.33⅓ a day, or $8 a week. The average working day for drivers and conductors is 11½ hours; though many cars run for longer, the later ones are worked by a second shift of men. Trips run overtime are paid for at the rate of three trips for two. Wages are paid weekly, and the only complaint which the men make against the company refers to its inveterate hostility to labour organisations of every kind. On the Quebec City Passenger Railway the conditions are less favourable. Wages even in summer only average $7 a week for drivers, $7.50 for conductors, and $6 for ostlers. The hours of work are from 10½ to 11½ for drivers and conductors, and though the working day is shorter in winter, wages are then reduced to from $4 to $5 a week for drivers and $5 for ostlers. The last class of men work in summer for fourteen, nineteen, and twenty-four hours on alternate days.(2)

3. Dock and riverside labour.

Longshoremen, including grain handlers, coal shovellers, and similar classes of workmen in Montreal are paid at the rate of twenty cents an hour. They have no regular hours, but as it is the practice of the stevedores, who hire them, to keep one gang at work upon a ship until the loading or unloading is finished, they often work for very long periods, in several cases from thirty-six to forty consecutive hours. In Quebec, and in St. John, New Brunswick, unions of ship labourers have been organised. The Quebec Ship Labourers' Society has been, from time to time, in conflict with the Quebec Board of Trade, owing to certain regulations which the merchants hold responsible in part for the falling off in Quebec trade. These regulations fix the number of men which must be employed upon a ship, and oblige the owner to retain them all until the loading of the vessel has been completed. Members of the Ship Labourers' Society must be paid $3 a day, and if employed in the more dangerous kinds of work, such as the loading of timber, $4. If paid by the hour they get 37½ cents for day work and 56¼ for night work, *i.e.*, any work performed after five in the evening, since eight hours is the limit of the working day according to the Society's regulations. All the witnesses agree that there has been a falling off in the trade of Quebec, but, though many of the merchants attribute it to the action of the Ship Labourers' Society, other witnesses affirm that it is due to the improved facilities for navigation up to Montreal, whereby vessels are induced to unload in a port which is so much nearer to the chief centres of industry than Quebec.(3)

4. The shipping industry.

A number of witnesses came before the Commission to speak of the necessity of a better system of inspection for vessels trading between lake ports. They alleged that many of these vessels were old and unseaworthy, and that they were frequently undermanned and overloaded. Many so-called sailors employed on them are utterly ignorant of the proper handling of a vessel, and much loss of life has resulted from their want of skill. Better provision is required for the accommodation of the crew; the forecastles possess almost no means of ventilation, the food supplied is of the worst description, and the life-saving appliances are entirely inadequate. The Commission recommend that the Government should afford legislative protection to seamen engaged in inland waters.

The hours during which seamen are kept on duty average sixteen a day. They are paid from ten to fourteen York shillings (about 5*s.* 1½*d.* to 7*s.* 2½*d.*) a day according to one witness, and from $1.50 to $3 according to another, most of the seamen getting from $1.50 to $2. The Quebec and Lewis Ferry Company pay their seamen from $12 to $20 a month with board. Ocean-going seamen in Halifax are paid on an average $18 a month to go to the West Indies, and $20 to go to Europe, or $25 if they are to be paid off on the other side.(4)

5. Fisheries.

The fishing industry is of great importance both in the Dominion of Canada and in Newfoundland. New Brunswick and Nova Scotia are the Canadian provinces chiefly engaged in fishing, but at Windsor, Ontario, a thriving fishery was carried on in the Detroit River only a few years ago. Several fishermen testified before the Commission that it had employed within their own time over a hundred men, and though the number had then fallen to thirty, they attributed this decline to remediable causes, such as the non-observance of a close time and the blocking of the river's mouth by the nets used in Lake St. Clair. The alewives fishery in St. John, New Brunswick, employs 250 men and boys and brings in $45,000 a year, the shad fishery employs 100 hands and brings in $12,500, and the value of the salmon fishery is $155,000. Halifax is the chief seat of the Nova Scotia fishing industry, but year by year the fish are retreating further from the shore, and it is becoming necessary to equip all fishing vessels for bank or deep sea fishing. Here the share system prevails, and the catch is generally divided in the proportion of half to the owners of the vessel, 5 per cent. to the captain, and the rest to the crew. The value of each man's share is from $200 to $400 for the season. Most of those engaged in the fishing industries are in prosperous circumstances; many own houses and property, and not a few have become owners of vessels. Lobster fishing and packing is said to be less profitable than formerly. Men employed in it get from $25 to $40 a month with board and lodging, women and boys $12 a month without board, and $8 with board and lodging. Can makers are employed all the year round at $2 a day; in all cases the wages are paid in cash.

In Newfoundland the truck system prevails, and the condition of the fishing population is much worse than in Canada. During the fishing season the fishermen are maintained by the merchants, and the cost of nets and gear is advanced to them; hence at the end of the season they are sometimes found to be in debt to their masters, or, at any rate, to be entitled to no balance in money. During the winter it is usually necessary for the Government to give them direct assistance, or to institute relief works for their support. In a recent paper read before the Royal Colonial Institute, much was said of the wealth of fish to be found on the shores of British Columbia, and a scheme is on foot for settling those shores with the Scotch Crofters, who will, it is hoped, be able to develop the fishing industry to its full extent. Seal fishing and salmon canning are already carried on very largely, though difficulties with the United States have diminished the catch of seals.(5)

6. Agriculture.

The condition of Canadian farmers appears on the whole to be prosperous. Prices have fallen as in the United States and in Europe, but the witnesses before

(1) Report of the Royal Commission on Labour, 1889, pp. 21, 46, 51, 102-105. Report of Ontario Bureau of Industries, 1888, pp. 89, 109, 121. Evidence given before the Royal Commission on Labour, 1889: Ontario, pp. 515, 555, 571; Quebec, pp. 591, 626, 1226-1229; New Brunswick, pp. 242, 245, 311.

(2) Report of the Royal Commission on Labour, 1889, pp. 72, 73. Evidence given before the Royal Commission on Labour 1889: Ontario, pp. 328-335. Report of Ontario Bureau of Industries, 1888, p. 122.

(3) Report of the Royal Commission on Labour, 1889, pp. 34, 82, 110, 125. Evidence given before the Royal Commission on Labour, 1889: Quebec, pp. 741-759, 803-807, 870-899. Report of Ontario Bureau of Industries, 1888, pp. 119, 120.

(4) Report of the Royal Commission on Labour, 1889, pp. 81, 108, 109. Evidence given before the Royal Commission on Labour, 1889; Quebec, p. 825; Ontario, pp. 851, 915, 984, 1030; Nova Scotia, pp. 55, 56, 228. Report of Ontario Bureau of Industries, 1888, pp. 137-141. The "York shilling" was originally the Mexican "real" (or "bit"), the eighth part, in New York currency, of the Spanish dollar (8*s.* currency). The United States dollar, now the metallic standard in Canada, is worth 49.316*d.*, so that to-day the York shilling is worth one-eighth of this sum, viz., rather over 6*d.*—"History of Currency in the British Colonies and India," by Robert Chalmers, of Her Majesty's Treasury.

(5) Report of the Royal Commission on Labour, 1889, pp. 65-69. Dilke, "Problems of Greater Britain," pp. 10-15. Journal of the Royal Colonial Institute, March 1892, pp. 223-226. Appendix on Migration of Labour, pp. 201, 202.

the Commission all state that farmers can still make a fair profit if they are willing to work hard and to exercise greater economy in production. It is certain that they possess more of the comforts of life than they did ten years ago. Though Manitoba and the Canadian North-West are the great wheat-growing districts, a large amount of wheat is still raised in Ontario and in New Brunswick. In the Report on Agriculture for New Brunswick in 1890 the conviction is expressed that an era of rising prices may confidently be expected to begin in 1892. This conviction is based upon a calculation of the amount of wheat produced in the United States, and the proportion which it bears to the increasing population of the country, the result of which is to show that the United States will soon have very little surplus for exportation.

The use of corn as fodder is advocated by several of the farmers examined. There seems reason to suppose that England would supply a market for more barley suitable for malting purposes, and that this might be produced in Canada. Fruit cultivation has been found very profitable, especially the raising of apples. The Government have within recent years taken measures to improve the breed of horses and cattle in the country, and it is hoped that by these means cattle raising will be made more profitable than it has been for the last few years. Experimental farms, five in number, have been established by the Dominion Government in different parts of the Dominion, and are reported to be doing good work. A number of Farmers' Institutes have been formed by farmers themselves, with the object of diffusing agricultural knowledge. From all sides come complaints of the scarcity of agricultural labour. Farm servants, both male and female, are in great demand, and farmers prefer those who are willing to engage with them for the whole year's work to the men who come from the cities for the sake of the high wages given in harvest time and then return for the winter. The average wages for men in Ontario are from $15 to $18 a month with board and lodging. Men hired by the year will get from $150 up to as much as $190 with board, or if married and living with their family, $220 to $240 with house, garden and timber free. Female servants' wages are $6 a month. In British Columbia ordinary farm labourers are paid $1.50 a day or from $30 to $40 a month; artisans employed on farms in carpentering receive $2 or $3 a day or $50 a month, and Chinese or Indian labourers from $15 to $25 a month; in all these cases board is given in addition. A man employed in branding sheep or cattle is paid $2 a day with board for himself and his horse. The hours of work vary with the season of the year. In harvest time men work fifteen hours or more, but the average throughout the year does not greatly exceed ten hours a day. Some farmers advocate a Farmers' Exchange as a means of obtaining labour, and a channel of communication with the Dominion Government, whereby they may make their necessities known. All agree that English and Scotch immigration from the agricultural classes ought to meet with every encouragement.(1)

In 1888 four commissioners were appointed to carry out a scheme for the settlement of crofters from the Western Highlands and Islands of Scotland in the Dominion of Canada. Thirty families were sent out in 1888, and furnished with provisions for the first year, and seed corn for the following spring. Each family received also at the start sufficient stock and implements to begin farming operations, and the total cost amounted to 157*l.* 6*s.* 8*d.* per family. They were settled upon fertile land at Killarney, in South Manitoba, in the midst of a good class of farmers, but great difficulty was caused at first by the unwillingness of the crofters to take the homesteads allotted to them and to begin building their houses. These difficulties re-appeared in an aggravated form in the following year, in the case of a second settlement at Saltcoats, and eighteen families deserted their homesteads during the summer of 1890. At Killarney, the settlers have done better, but they have been in too great haste to supply themselves with machinery, and have incurred liabilities which they will have some difficulty in meeting. Those amongst the crofters who have attended closely to their homesteads, and have at the same time taken advantage of any chance of employment for wages either for themselves or for members of their family, are doing well. The commissioners express themselves satisfied with the result of the experiment, and many of the settlers acknowledge that they have never been better off. The first year's experience, however, convinced the commissioners that a definite agreement should be made with each family before sailing, stating what they are to receive and binding them to settle on the land allotted to them; otherwise the settlers appear to suppose that they will be fed as long as they choose to demand support. The commission are also of opinion that the allowance made for stock and implements should be large enough to make each family self-supporting from the first.(2)

C.—Textile, Clothing, Chemical, Building, and Miscellaneous Trades.

1. Labour of women and children.

It is in the trades included under this heading that the greatest use is made of the labour of women and children. Throughout the Dominion women and children are very largely employed, and there is at present no adequate restriction as to the number of hours during which they may be kept at work, and no limit of age except in Ontario and Quebec. The Ontario Factory Act provides that boys under twelve and girls under fourteen shall not be employed in factories, and the Education Act that between the ages of eight and fourteen all children shall attend school for a hundred days at least in each year. Children under fourteen and women may not be employed more than ten hours in one day or sixty hours in one week, unless longer hours are worked on other days for the purpose of granting a half-holiday on Saturday. There are similar provisions in Quebec; but up to 1888, when the Royal Commission visited that province, the Factory Act had not been enforced. In New Brunswick and Nova Scotia children of any age may be employed in factories, but ten is the limit below which they may not be employed in mines, and between the ages of ten and twelve they must not work in mines more than sixty hours a week. The evidence taken before the commission shows that at that time very young children were to be found at work in cotton, glass, and cigar factories, that they were kept at work in some cases for twelve hours, and in others throughout the night, and that in the cigar factories of Quebec the beating and imprisonment of these children as a punishment for small offences were incidents of by no means unusual occurrence. The sub-contract system prevails largely where women and children are employed. In many cases the employés are at the mercy of the foremen, and in one case children of twelve and fourteen hired others of the same age to work under them.

The Commission urge that, as the provincial Factory Acts remain unenforced and disregarded, a Dominion Factory Act should be passed, which will ensure uniformity of law and of practice in the separate provinces. At present existing Acts are evaded, because employers in one province fear the competition of those who are unimpeded by similar restrictions, and in the smaller provinces funds would be lacking for the proper enforcement of factory legislation. They recommend that no children or young persons should be allowed to work at night, that fourteen should be made the legal age for beginning work, and that the hours of labour for women and children should be restricted to ten hours in one day, or fifty-four hours in one week.(3)

2. Factory inspection.

The Ontario Factory Act, passed in 1884, and amended in 1889, affects all factories and workshops employing more than six persons. It permits overtime up to 9 p.m. on thirty-six nights during the year in factories, where women and children work, on application to the inspector, and allows children under the legal age to work in fruit-canning establishments during the summer months. It also prevents the employer from evading his responsibility by contracting with a third party to undertake some of the work. Accidents must be reported to the inspector; such safeguards as he directs must be attached to machinery, and provision must be made for ventilation and sanitation. In these respects the smaller factories and workshops leave much to be desired. The Quebec Act, passed in 1886, contains similar provisions, but in both cases the inspectors needed to enforce the observance of the Acts were not appointed until two years after the Acts had been passed. The Royal Commission recommend the appointment of women to inspect all factories employing

(1) Evidence given before the Royal Commission on Labour, 1889: Ontario, pp. 444, 560, 677, 701, 732, 845, 938, 992. Report on Agriculture for the Province of New Brunswick, 1890, pp. 15–19, 28, 43, 70, 85. Dilke, "Problems of Greater Britain," pp. 78, 79. Report of Ontario Bureau of Industries, 1888, pp. 122, 123; 1891, pp. 17, 98. Report of the Department of Agriculture, British Columbia, 1891, pp. 737, 739, 741, 744, 745, 750, 859.

(2) Reports on the Colonisation in the Dominion of Canada of Crofters and Cottars from the Western Highlands and Islands of Scotland, 1890, 1891, 1892.

(3) Report of the Royal Commission on Labour, 1889, pp. 9, 10, 11, 36, 74, 75, 79, 87-91. Report of Ontario Bureau of Industries, 1888, pp. 111-114. "The Conditions of Female Labour in Ontario," J. T. Scott, 1891, pp. 5, 9, 13.

female and child labour. The Shops Regulation Act of 1888 provides that seats should be supplied to women in shops, but the Act makes no provision for inspection, and is very commonly disregarded. The hours during which shop assistants are kept at work are often excessive. Married women are seldom to be found either in factories or in shops.(1)

3. Textile and clothing industries.

The wages of cotton and woollen operatives appear to vary considerably in different districts within the same province. Cotton spinners in Hamilton, Ontario, get $1.50 a day, and weavers from $1 to $1.50. In Cornwall, on the other hand, the average for spinners is said to be 90 cents a day, and for weavers $5.50 a week. Women's wages range from 40 cents to 75 cents a day, and men's wages from 50 cents to $1.25. The hours in both districts are eleven on five days of the week and five on Saturday. In Quebec the average wages of children employed in cotton mills are given in one case as from 25 cents to 30 cents a day, those of girls as from 75 cents to 80 cents, and those of men as from 80 cents to $1. Here also the hours are sixty a week, but ten hours are worked every day. In the Nova Scotia cotton mills the range of wages is rather higher, the average for men being $7.50 a week and that for women $3.90. Children get from $1 to $2. In New Brunswick the range of wages is almost the same. Woollen operatives in Chatham, Ontario, get from $12 to $15 a week if they are skilled hands; unskilled hands average from $6 to $8, and boys from $2.50 to $3.50. In Ottawa the wages of spinners are given as $1.50 a day, and those of weavers as from $16 to $24 a month. Cornwall weavers get from $5 to $7.50 a week. In the works of the Riverside Worsted Company, Quebec, girls of fifteen get from 25 cents to 45 cents a day. Women employed as weavers in another factory get from $4 to $5 a month.

Women employed in tailors' shops are said by one witness to earn from $3 to $3.50 a week, whilst able men make $1.50 a day or $9 a week, and less skilled hands from $5 to $7. Another witness gives $10 as the weekly wages of a regular employé, and says that the average earnings of a man or woman, who works by the piece, will be $6 a week, working from ten to eleven hours a day. In the sweating shops wages are considerably lower, in some cases about $2.50 a week or less.(2)

4. Building trades.

Wages in the building trades are high as compared with those paid in other industries. Bricklayers, masons, and plasterers are paid at the rate of 30 cents an hour, and average from $2.50 to $3 a day. Carpenters get 20 cents an hour and earn from $1.50 to $2; their average is $1.75. Stone-cutters get from $2 to $2.50, plasterers' labourers from $1.40 to $1.50, and bricklayers' labourers $1.25. Nine hours is the usual length of the working day in large cities, but in smaller places builders often work for ten. Contractors complain that they are held liable for defects in a house arising from the unsuitability of the site, and are of opinion that this liability should be shared by the architect. A great many witnesses complain of the carelessness shown in the erection of scaffolding, and the Commission recommends that a clause requiring the regular inspection of scaffolds should be included in the Factory Acts.(3)

5. The lumber industry.

Men who are sent up in the winter to cut wood in the forests are paid on an average $21 a month with board. They are housed in "shanties" of the roughest description belonging to the employers, and the food supplied to them seems sometimes to be of an indifferent character. They are allowed to draw a certain amount of their pay from time to time, and the married men may arrange for their wives to draw a proportion in their absence, but the employers retain the rest until the end of the season and deduct from it the prices of the necessaries which are supplied at their stores. In the lumber mills men work in two gangs, each gang working twelve hours. Their wages are $1.15 or $1.25 a day, foremen receiving as much as $9 or $10 a week. Boys in Quebec are not allowed to work in sawmills until they are sixteen, and the Inspector for the Eastern District of Ontario deprecates the extensive employment of boys in such establishments in his district owing to the dangerous character of the machinery. He recommends the raising of the legal age from twelve to fourteen.(4)

6. Printers.

The rate of wages fixed by the Typographical Union for printers is $11 for a week of fifty-four hours for men engaged on day work, and $12.50 for night work. Compositors paid by the piece get 30 cents per 1,000 ems on morning papers and 28 cents on weekly and evening papers. There is a considerable prejudice against the employment of women as compositors; in the best offices they are employed very little except as feeders, when they earn only from $3 to $4 a week. In some cases they are also employed as folders at from $2 to $3·75 a week, with five or ten cents an hour extra for overtime according to the amount of their regular wages. Boys employed as feeders get from $5.50 to $6 a week. Where women are employed as compositors, their wages are almost in every instance from $4 to $6 a week less than those of men.(5)

7. Cigar-makers.

Women and children are preferred to men by a great many cigar manufacturers, because the men, who are for the most part members of the Cigar-makers International Union, will not work for more than eight hours a day, or for less than $5 to $6 a thousand cigars. Girls are paid $2.50 a week when they begin work, and their wages are gradually raised to $6, or sometimes even $8. Their working day extends from 7.30 a.m. to 6 p.m., and includes nine and a half hours of actual working time.(6)

DIVISION III.—CERTAIN SPECIAL SUBJECTS.

A.—Co-operation and Profit-sharing.

The Royal Commission on Labour report that in 1889 "little evidence was found of co-operation in industry "or trade, and none at all of participation in pro ts by "working men." They recommend that a labour bureau shall be established, and that, if established, it shall publish from time to time such information respecting co-operation and profit-sharing as may be obtainable. Distributive stores exist in Toronto and London, Ontario. One of the London stores sells goods considerably cheaper than other establishments in the town, and another sells goods to stockholders at wholesale prices. Members must pay cash, and their orders are then executed at a wholesale house. They receive three per cent. discount, but this is reserved for the support of a reading-room and for other expenses. There is a co-operative store at the Sydney Mines, Nova Scotia, which has been in operation more than twenty years. The stock is owned by the miners, and they are only allowed credit up to the amount which they have invested; outsiders must pay cash. A similar store is reported to exist at the International Mines, Nova Scotia. No other instances of even comparatively successful co-operation are recorded, with the exception of two co-operative building societies, one at Hamilton, Ontario, and the other at Halifax. According to the rules of the Hamilton Homestead and Loan Association, only stockholders may borrow, and they are charged six per cent. interest for their loans. Fresh stock is issued every six months, and payments are made at the rate of $1 a month till the stock matures. Non-borrowers then receive $200 a share. One hundred and twenty-eight houses had in 1888 been built with the help of loans from this association, and all but five of these were owned by mechanics. The Halifax Association is a co-operative savings and loan association, which lends money to stockholders only on real estate security. Borrowers receive $234 for each share, the face value of which is $240, and pay $2.40 monthly in instalments and interest.(7)

B.—Foreign and Convict Labour.

The only legislation in Canada with regard to foreign labour is an Act passed by the Ontario Legislature in 1886, which provides that contracts made for the per-

(1) Report of the Royal Commission on Labour, 1889, pp. 87-90. Reports of the Inspectors of Factories for the Province of Ontario, 1889, 1890. "The Conditions of Female Labour in Ontario," J. T. Scott, 1891, pp. 14, 15, 17.

(2) Evidence given before the Royal Commission on Labour, 1889, pp. 475, 627-629, 830-832; Ontario, pp. 892-899, 1068, 1083-1087, 1144; Quebec, pp. 271, 397, 434, 1029, 1206; Nova Scotia, pp. 21-24, 201-208; New Brunswick, pp. 30, 31.

(3) Evidence given before the Royal Commission on Labour, 1889: Ontario, pp. 1035, 1036, 1078, 1108, 1122.

(4) Evidence given before the Royal Commission on Labour, 1889: Ontario, pp. 1104, 1135, 1188. "The Conditions of Female Labour in Ontario," J. T. Scott, 1891, p. 11.

(5) Evidence given before the Royal Commission on Labour, 1889: Ontario, pp. 1141, 1145-1170; Quebec, pp. 926, 940, 955.

(6) Evidence given before the Royal Commission on Labour, 1889: Ontario, p. 617; Quebec, p. 1229.

(7) Report of the Royal Commission on Labour, 1889, pp. 9, 19, 84. Report of Ontario Bureau of Industries, 1888, p. 105. Evidence given before the Royal Commission on Labour, 1889: Nova Scotia, pp. 299, 426, 479.

formance of labour or service with a person not a resident of Canada shall be void and of no effect as against the migrating party. It does not, however, provide any penalties to be inflicted upon the resident contracting party, and has done little or nothing to check the importation of foreign contract labour. Up to April 1888 assisted passages were granted by Government to certified agricultural labourers and domestic servants, but since that date the policy of assisting immigration has been renounced. The Government do not encourage the importation of skilled labour, since the labour market of the Dominion is already sufficiently supplied; but in spite of their attitude on this matter, the fact remains that employers at variance with their employés can obtain foreign labour under contract, and that they have made use of this power to coerce their own men. The Commission are of opinion that such action should be made illegal by an Act similar to that already in force in the United States. The testimony of a number of witnesses proves that this opinion prevails largely amongst the working men of the Dominion There is also a strong feeling against the practice of sending out children through the instrumentality either of the English poor law unions, or of private philanthropic societies. In the latter case the children are generally consigned to one of Dr. Barnardo's homes or to a similar institution, and the ex-Mayor of Toronto admits in his evidence that they often become useful colonists. In the former case they are thrown too early upon their own resources, and are often unfitted both by their education and their inherited qualities to develop much capacity for self-help. In either case these children, if not capable of finding immediate occupation upon the land, only serve to swell the labouring population of the towns, and, in the opinion of Canadian workmen, to diminish the chances of employment for the Canadians born. The Commission, therefore, recommend that the bounty hitherto paid by Government for such children should be discontinued, and that no encouragement should be held out to immigrants of any kind except domestic servants, farm labourers, and those who have some small capital and are prepared upon their arrival to take up land. In British Columbia the question of Chinese immigration is beginning to assume a serious aspect. A Commission was appointed in 1884 by the Federal Government to inquire into the matter, and the result of their inquiry was to show that the presence of the Chinese had not as yet exercised an injurious effect upon the labour market, and that the moral and sanitary dangers attributed to Chinese immigration were exaggerated. At the same time the Commission recommended that the further influx of the Chinese should be restricted, and in consequence of this recommendation all Chinese immigrants were obliged to pay a licence fee on entering the Dominion. After they were prohibited from landing in the United States, their numbers in British Columbia increased greatly, for although a fair proportion of the newcomers contrived to smuggle themselves over the border into the States, a great many remained behind in British Columbian factories, or were engaged to work on the Canadian and Pacific Railway, then in course of construction. Some few are to be found in the towns of eastern Canada employed as laundrymen, gardeners, cooks, and waiters. The trade unions are opposed to their coming, and in 1890 the Victoria Trades Assembly sent a communication to the Dominion Trades and Labour Congress, complaining that "British "Columbia capitalists encourage Chinese immigration "to the great detriment of dignified white labour," that the influence of the Chinese upon the labour market is evident in every direction, and that the habit of opium smoking which they have introduced is producing the worst effects upon the white population. They add that "the feeling among Victoria "organised labouring men is strongly in favour of a "restricted immigration law made applicable to all "countries."(1)

The employment of convicts in industries where their competition must injure the business of those already engaged in the trade, is a grievance amongst Canadian working men. Most witnesses before the Commission agree that convicts must be employed in some useful fashion, and the best authorities hold that this work should be under the exclusive control and direction of the prison authorities, and that the State should reserve for itself the profit often made by the contractor. It was shown that the labour of convicts directly employed by the authorities at the central prison produced better financial results than that of the convicts leased to contractors; but even then the sale of such prison-made goods cannot fail to have an injurious effect upon competitors in the same line of industry. One witness testified that the number of hands employed in broom-making had largely fallen off owing to "convict and prison labour employed at "the trade." Members of other trades told the same story, and the Commissioners in their report consider various means of remedying the evil. It has been proposed that all goods made in prisons should be exported, or again that goods not yet manufactured in the Dominion might be made in the prisons for home use. The proposal which the Commission is inclined to support, however, is the disuse of machinery in prison manufactures, and they point out that, where labour is cheap, it is doubtful whether the increase of production due to machinery really balances the outlay incurred in procuring the machinery, in running it, and in keeping it in repair. Manual labour should in their opinion be used whenever possible, both because it affords a better training for the convicts themselves, and because it will minimise any possible influence for evil upon free labour arising from prison competition.(2)

C.—Condition of the Labouring Classes in the Dominion of Canada.

The evidence given before the Commission points on the whole to a very decided improvement in the circumstances of the working classes. Comparing the state of things in 1889 with that fifteen or twenty years earlier, it will be found that houses are, on the whole, much better, that sanitary improvements have been effected, and that the cost of living has decidedly diminished. On the last point there is some difference of opinion; but, taking the market prices given by the market reporter for the Toronto "Globe," the Commission concludes that the greater number of articles of household use have fallen in price. On the other hand rents have risen in the larger cities from 20 to 25 per cent. during the ten years preceding 1889. In Toronto house rent absorbs rather more than one-fourth of the working man's income, in Montreal one-fourth, in Quebec city one-fifth. in St. John, N.B., about one-fifth, and in Halifax, Nova Scotia, one-fourth. Against this must be placed the fact that the crowding of a number of families into a small space on the tenement house system is almost absent in Canada, so that the working classes obtain an equivalent for the high price which they are obliged to pay. On the whole the cost of living in Canada appears to be greater than in England, and less than in the United States. The decay of the old apprenticeship system has in the opinion of a number of witnesses created a need for technical instruction, which is not sufficiently met by the public school system. The Commission recommends the establishment of technical schools with evening classes attached to them, as well as "the "re-arranging of the curriculum in the public schools, "with a view of making the instruction more practical." It recommends further (*see* p. 12) the establishment of a bureau of labour statistics for the Dominion, and reports that all the witnesses, who were examined upon this point, were unanimous with regard to the necessity of such a bureau. The Commissioners hold that the usefulness of these institutions is conclusively proved by their rapid multiplication in the United States, and regard it as essential to their success that men acceptable to the working classes should be appointed as chiefs or commissioners. A bureau of industries for the province of Ontario has been in existence since 1882, and it is desirable that a federal bureau, if appointed, should work in harmony with the provincial bureau, or with any similar provincial institution which may hereafter be established.(3)

(1) Report of the Royal Commission on Labour, 1889, pp. 12, 82, 114. Report of Ontario Bureau of Industries, 1888, pp. 122-126. Evidence, given before the Royal Commission on Labour, 1889: Quebec, pp. 76, 80 184, 346, 362, 392; Nova Scotia, pp. 136, 589, 632, 794.

(2) Report of the Royal Commission on Labour, 1889, pp. 70, 82. Report of Ontario Bureau of Industries, 1888, pp. 102-105.

(3) Report of the Commission on Labour, 1889, pp. 17, 115, 118, 121. Report of Ontario Bureau of Industries, 1888, pp. 90-93, 99-102 106-109, 126-130, 135-137.

APPENDIX A.

TEXT OF ARBITRATION ACTS.

1. *Revised Statutes of Ontario*, 1887, *Volume I.*

Chapter 140.

An Act to facilitate the adjustment of disputes between Masters and Workmen.

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as "The Trades Arbitration Act."—R.S.O., 1877, c. 134, s. 1.

Board of Arbitration.

2. Any number of masters and workmen resident and actually engaged at the time of filing the memorandum herein-after mentioned, in carrying on or working at any particular trade, occupation, or employment in any city, town, township, or village in this province, may, at a meeting specially convened for that purpose, agree to form a board under this Act for the friendly settlement of differences between masters and workmen.—R.S.O., 1877, c. 134, s. 2.

Memorandum to be signed.

3.—(1.) The masters and workmen shall jointly sign a memorandum, whereby it is mutually agreed to establish such board.

(2.) The memorandum shall set forth the number of the members of the board, and also the names, occupation, and residence of the signers of the memorandum, and shall be in the form of the schedule to this Act, or to a similar effect.—R.S.O., 1877, c. 134, s. 3.

Registration of memorandum.

4. Upon the filing of the memorandum, with affidavits verifying the signatures thereto, in the registry office of the registry division within which the masters and workmen reside, the board shall be deemed to be lawfully established.—R.S.O., 1877, c. 134, s. 4.

Fee.

5. The registrar shall retain the memorandum, and enter a copy of the same in a book to be kept for that purpose; for which, and the filing of the memorandum, he shall be entitled to receive the sum of $2 and no more.—R.S.O., 1877, c. 134, s. 5.

Defects of form in memorandum.

6. No defect in the form of the memorandum, or in the filing and registration thereof, shall invalidate the efficiency of any of the proceedings to be taken thereunder under the provisions of this Act.—R.S.O., 1877, c. 134, s. 6.

Board, how composed.

7. The board shall consist of not less than two masters and two workmen, nor more than ten masters and ten workmen, and a chairman, and the number to constitute the board, other than the chairman, shall be inserted in the memorandum; but no member of the board shall adjudicate in any case in which he, or any relation of his, is one of the parties.—R.S.O., 1877, c. 134, s. 7.

Appointment of board.

8. The persons who have signed the memorandum are hereby authorised to proceed to the appointment of the board within sixty days after the registry of the memorandum, the masters appointing their portion of the board from among themselves, and the workmen their portion from among themselves; and the board shall remain in office until the appointment of a new board in its stead.—R.S.O., 1877, c. 134, s. 8.

Powers of board.

9. The board shall have power to appoint their own chairman and two clerks, one for the masters' and the other for the workmen's portion thereof; and shall have power to hear and determine all questions of dispute and differences between the masters and workmen, being signers of the memorandum, or who may at any time become parties thereto, by a written notice to the chairman or clerks of the board, which disputes and differences may be submitted to them by both parties in difference.—R.S.O., 1877, c. 134, s. 9.

Board to have powers given by Rev. Stat. c. 53.

10. The board shall also have and exercise all the powers conferred upon arbitrators by *The Act respecting Arbitrations and References.*—R.S.O., 1877, c. 134, s. 10.

Award.

11. Any award the board may make in any case of disputes or differences so submitted to them, shall be final and conclusive between the parties thereto, without being subject to review or challenge by any court or authority whatsoever.—R.S.O., 1877, c. 134, s. 11.

Enforcing award.

12. The award may be enforced upon summary application to the judge of the county court of the county in which the board is formed; and the judge is hereby authorised to enforce the award by the order of the court, and process of execution to be issued thereupon.—R.S.O., 1877, c. 134, s. 12.

Evidence of award.

13. Any award, in writing, under the hand of the chairman of the board, shall be deemed sufficient evidence of the validity of the award to authorise such proceedings of said judge.—R.S.O., 1887, c. 134, s. 13.

Quorum.

14. A quorum of not less than three (one being a master and another a workman, and the third the chairman) may constitute a board for the hearing and adjudication of cases of dispute, and may accordingly make their award.—R.S.O., 1877, c. 134, s. 14.

Committee of reconciliation.

15. A committee of the board, to be denominated the committee of reconciliation, shall be appointed by the board, consisting of one master and one workman, who shall sit at such times as shall be appointed, and be renewed from time to time as occasion may require; and all cases or questions of dispute which are submitted to the board by both parties thereto, shall in the first instance be referred to the committee, who shall endeavour to reconcile the parties in difference; when such reconciliation is not effected, the matter in dispute shall be remitted to the board to be disposed of as a contested matter.—R.S.O., 1877, c. 134, s. 15.

Chairman.

16. The chairman of the board shall be some person unconnected with trade, and shall preside at the meetings of the board, and shall be appointed at the first meeting; and when the votes of the board are equal the chairman, for the time being, shall have the casting vote.—R.S.O., 1887, c. 134, s. 16.

When parties may employ counsel.

17. No counsel or solicitor shall be allowed to attend on any hearing before the board or the committee of reconciliation, unless consented to by both parties.—R.S.O., 1877, c. 134, s. 17.

Duration of board.

18. On the first Monday in November, in the year after the appointment of the first board, and on the first Monday in November in each succeeding year, a board and chairman shall be appointed, who shall remain in office until the appointment of a new board; and in case of vacancies arising between the fixed days of election in each year caused by the death or removal of any member of the board or of the chairman, an election shall take place within fourteen days, and another member shall be elected to fill up the said vacancy from the class to which the member who has died or removed belonged, or a chairman shall be appointed, as the case may be, and the member or chairman so elected shall serve for the remainder of the year.—R.S.O., 1877, c. 134, s. 18.

Vacancies.

Composition of board.

19. The masters shall appoint their portion of the board, and the workmen their portion of the board.—R.S.O., 1877, c. 134, s. 19.

Qualification of voters.

20. For the purposes of this Act the following persons being 21 years of age, and belonging to the particular trade to which the registered memorandum applies, shall be entitled to be registered as voters for the election of the board, and shall be qualified to be elected members of the board:—

(1.) Every master who has been engaged in carrying on the said trade within the limits of the city, town, township, or village wherein the board is formed for three months previous to the first day of November in any one year.

(2.) Every workman who has served the regular term of apprenticeship required in such trade or calling, and has been working at his said trade for a like period within the same limits and has signed the memorandum, or has given notice to the chairman or clerks of his assent thereto.—R.S.O., 1877, c. 134, s. 20.

Registration of voters.

21.—(1.) The clerk of each division of the board shall respectively keep a register of every person claiming to have his name inscribed on the register as a voter for the board, as master or workman respectively, and distinct from each other.

(2.) The register shall contain the name and abode of each person engaged in the particular trade or occupation set forth in the registered memorandum.

(3.) The clerk shall, upon payment of a fee of 10 cents made to him, register the same immediately, or be liable to be fined for neglect.

(4.) The board is hereby empowered to fix and determine the amount of such fine, but not to exceed the sum of $5, and such fines shall be applied to the funds of the said board.—R.S.O., 1877, c. 134, s. 21.

Removal of name from register.

22. In case it appears to the masters' or workmen's division of the board respectively that any person ought not to be so registered as master or workman respectively, such division shall order the name of such person to be struck off such register.—R.S.O., 1877, c. 134, s. 22.

Returning officers.

23. The clerk of each division of the board shall be the returning officer, and for the election of the masters', and workmen's portion thereof respectively, he shall convene meetings of masters and meetings of workmen respectively by advertisement or circular notice fourteen clear days previous to the first day of November.—R.S.O., 1877, c. 134, s. 23.

Elections.

24. Each class shall at such meetings proceed to nominate and elect members to the board for the year next ensuing.—R.S.O., 1877, c. 134, s. 24.

Mode of election.

25. The votes shall be taken by show of hands or division of members, and in such place as each division of the board may respectively authorise, and the clerk shall declare to the meeting the names of the candidates who are elected, and the same shall be final and conclusive.—R.S.O., 1877, c. 134, s. 25.

Declaration of elections.

26. The clerk shall within seven days after the day of nomination, declare the number of votes given to each candidate, and those having received the largest number of votes shall be declared duly elected.—R.S.O., 1877, c. 134, s. 26.

Fees, bye-laws, officers, &c.

27. Every board constituted under this Act shall from time to time make out a list of fees which shall be charged for any proceeding and other expenses under this Act: and shall appoint such officers as may be necessary, and make such bye-laws, rules, and regulations for their guidance, and for the taking and scrutiny of the votes given for the election of members of the Board; and also for the despatch of business, as they may deem necessary; such bye-laws, rules, regulations and fees not being contrary to law.—R.S.O., 1877, c. 134, s. 27.

Board not to have power to established rate of wages.

28. Nothing in this Act contained shall authorise the said Board to establish a rate of wages or price of labour or workmanship, at which the workmen shall in future be paid.—R.S.O., 1877, c. 134, s. 28.

Persons not affected by this Act.

29. This Act shall not be construed to extend to domestic servants, or servants in husbandry.—R.S.O., 1877, c. 134, s. 29.

SCHEDULE.

(Section 3.)

Form of Memorandum.

Memorandum of agreement between us, the undersigned masters and workmen engaged in the trade, employment, or occupation of
at the of , in the county of , under *The Trades Arbitration Act*, whereby we, the undersigned, mutually agree to establish a board for the settlement of differences between us, under the said Act.

Such board shall (besides the chairman) consist of masters, and the like number of workmen.

The names, occupation, and residence of the undersigned masters are as follows:—

Names.	Occupation.	Residence.

The names, occupation, and residence of the undersigned workmen are as follows:—

Names.	Occupation.	Residence.

Dated the day of , A.D. 18 .

Witness,

Signatures.

R.S.O., 1877, c. 134, Sched.

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2. *Mines Arbitration Act, Nova Scotia.*

Chapter 7.

An Act to provide a Tribunal of Arbitration in certain cases.

(Passed the 15th day of April, A.D. 1890.)

Be it enacted by the Governor, Council and Assembly, as follows:

Act, how cited.

1. This Act may be cited as "The Mines Arbitration Act, 1890."

Definition of words.

2. In this Act, unless the context otherwise requires, the word "employer" shall mean the company, firm, person or persons working any mine as hereinafter referred to; the word "employed" shall mean the persons employed in or about such mine; the word "Commissioner" shall mean the Commissioner of Public Works and Mines.

To whom Act shall apply.

3. This Act shall apply to the employer and employed in and about mines of coal worked under the "Mines Regulation Act."

Registration of name of manager or agent. Penalty for neglect to register. Process, &c., &c., &c., how served.

4. The employer in every mine referred to in this Act shall register in the office of the Commissioner the name of a recognised manager or agent engaged at the mine, service upon whom of all papers, notices or processes shall be deemed service upon the employer, and any request, notice or communication from the said manager or agent in relation to the affairs of the mine shall be deemed to be the request, notice or communication of the employer. Provided, however, that in case the employer shall fail or neglect to register the name of a recognised manager or agent engaged at the mine for the purposes in this section expressed, then, upon the notice and request of the Commissioner to the employer of compliance with this Act, the employer shall, after thirty days, forfeit and be liable to a penalty of one hundred dollars for such failure or neglect to register the name of a recognised manager or agent, and shall forfeit and be liable to a like penalty of one hundred dollars for failure or neglect to comply with any and every subsequent request; and the Commissioner may collect any or all of said penalties by a warrant under his hand and seal directed to the sheriff of the county in which the real or personal property, or both, of the employer is or may be found, and the sheriff shall have all the powers, rights and privileges of levying, seizing, selling and dealing with said property as under a writ of execution issued on a judgment of the Supreme Court. And until such recognised agent or manager is appointed by the employer, any notice, papers or process mailed by registered letter by the Commissioner to the address of the chief place of business within the province of the employer shall be sufficient service of said notice, papers, process or processes upon the employer.

Employed, how divided.

5. For the purposes of this Act the employed shall be divided into two divisions. First—the persons who labour above ground. Secondly—the persons who labour below ground.

Agent of employed.

6. When the employed, or either respective division of the employed, is making any application for arbitration, the employed or such division shall name one of their number or other person to be their agent, and service upon such agent of all papers, notices, or processes shall be deemed service upon the employed or the division of the employed making such application, and any request, notice, or communication from the agent of the employed or of such division of the employed shall be deemed the request, notice, or communication of the employed or of such division of the employed.

Summons or notice, how posted.

7. Whenever before the appointment of such agent, the Commissioner desires to issue any summons or notice to the employed or any division of the employed, he shall cause such summons or notice to be posted at any one of the principal entrances of the mine to which such summons or notice applies.

Employer shall not reduce wages, &c. &c., &c.

8. Whenever any dispute shall arise between the employer and the majority of the employed, or the majority of any division of the employed of such mines, in regard to the wages, the employer shall not reduce the wages, dismiss or lock out the employed, or any division of the employed, if the employer or the majority of the employed, or the majority of any division of the employed, shall make complaint in writing to the Commissioner, until final adjudication thereon.

Certificate to be sufficient notice.

9. A certificate under the hand of the chairman and secretary of a meeting called by not less than five of the employed, or any division of the employed, by giving public notice thereof by posting the same in three public places at or about the mine, stating that a meeting is to be held of the employed, or any division of the employed, for the purposes of the "Mines Arbitration Act, 1890," for three days previous to such meeting, which states that a majority at such meeting were in favour of arbitration under the said "Mines Arbitration Act of 1890," shall be sufficient notice to the Commissioner of a desire for arbitration by the employed, or any division of the employed, and the Commissioner, upon the receipt of such certificate so signed, may summon the party making the complaint to appear before him and adduce evidence, from which the Commissioner shall determine whether such complaint shall be submitted to arbitration as herein-after provided. The Commissioner, after hearing evidence adduced of the party making the complaint, shall decide whether such complaint is a proper matter to be submitted to arbitration, and if he shall determine that the matter should be submitted he shall order accordingly.

Board of arbitrators.

10. The board of arbitrators to which such matter shall be referred shall consist of five persons, to be appointed as follows: Two persons to be appointed by the Governor-in-Council, to hold office during pleasure, and two persons to be appointed from time to time, as the occasion may require, one by each of the parties to the matter in controversy to be submitted to arbitration, and a fifth person to be appointed by the last-mentioned two persons appointed by the parties to the matter in controversy; provided, however, that if either of the said parties in controversy shall, after due notice from the Commissioner, fail to name an arbitrator, the board may be composed of three persons, and if the two persons appointed by the parties to the matter in controversy shall fail to appoint a fifth person, such fifth person may be appointed by a judge of the Supreme Court on application of the Commissioner of Works and Mines.

Secretary to board.

11. The board of arbitrators shall have power to appoint from time to time a secretary, who may be one of their number, and such other officers and persons as may be necessary for the purposes of the arbitration.

Arbitrators to be sworn.

12. The board of arbitrators, before entering upon any of their duties as such in each case under dispute, shall be sworn before a justice of the peace not to divulge any matter of the employer's business.

Books and accounts to be inspected.

13. For the purposes of the arbitration the books and accounts of the employers shall be open to the examination of any person appointed for the purpose by the board of arbitrators. Such person shall furnish to the board such information respecting the affairs of the mine as is required by them, and he shall be sworn by the chairman of the board not to divulge any other matter of the employer's business, nor to divulge to any person whomsoever, except in this section mentioned, any matter of the employer's business.

Board may appoint committee.

14. The board may appoint a committee of three of their number, including the nominees of the employer and the employed, or any division of the employed, to examine into any question that may be in dispute and referred to them, and such committee may hear and settle the same finally, when it can be done by a unanimous vote, and the unanimous report of such committee, when filed in the office of the Commissioner, shall be deemed an award of the board of arbitrators.

Rules and regulations.

15. The board of arbitrators shall have power to make rules and regulations, not inconsistent with the laws of the province, for the government of their body, but such rules and regulations shall have no force or effect unless approved by the Commissioner, and they may be altered or revoked by the Governor in Council.

Wages may be retained.

16. The employer, in the case of all mines referred to in this Act, on receiving notice that an arbitration has been granted to all the employed, or any division of the employed, and that arbitrators have been appointed, may retain the wages of all the employed to whom arbitration has been granted, or of the division of the employed to whom arbitration has been granted, for the fourteen days preceding the appointment of such arbitrators, which wages shall be paid into some chartered bank in this province to the order of the Commissioner, and the employer shall also pay into said chartered bank to the order of the Commissioner an equal amount.

Wages forfeited in certain cases.

17. If the board of arbitrators decide against all the employed, or against any division of the employed to whom arbitration has been granted, and all the employed, or any division of the employed to whom arbitration has been granted, shall not at once submit to the award of the arbitrators, the amount of wages of the employed or any division of the employed to whom arbitration has been granted respectively, refusing to submit, paid into the chartered bank, shall be forfeited by the employed, or by any division of the employed to whom arbitration has been granted, and shall be paid to the employer for his use and benefit by the Commissioner, after first deducting the costs of the arbitration.

In case employer shall not submit.

18. If the board of arbitrators decide against the employer, and the employer shall not submit at once to the award of the arbitrators, the employer shall become liable for any amount equivalent to the wages of the employed, or of any division of the employed to whom arbitration has been granted, and in addition thereto be required to pay the employed or any division of the employed to whom arbitration has been granted, the said fourteen days' wages paid into said chartered bank, together with the amounts due them when demanded, and the Commissioner shall pay to the employer the balance of the amount of wages paid into the chartered bank by the employer, after deducting the costs of arbitration from said amount, and shall retain the amount equivalent to said wages paid into the chartered bank by the employer for the use and benefit of the employed, or of any division of the employed to whom arbitration has been granted, and shall pay said amount to the agent of the employed or division of the employed, who shall pay the same to the employed for their use and benefit in proportion to the amount of wages at first retained by the employer.

Costs of arbitration.

19. The costs of the arbitration shall be paid as awarded by the arbitrators; if to be paid by the employed, or any division of the employed, they shall be paid out of the funds in the chartered bank by the Commissioner, as first wages, and the employer shall be credited with the amount so paid as first wages; if by the employer, to be paid by the Commissioner out of the money of the employer paid into the chartered bank as first wages.

On joint application, Commissioner may refer.

20. Whenever the employer and a majority of the employed, or a majority of any division of the employed, at any mine before referred to, shall apply jointly in writing to the Commissioner to settle a dispute by arbitrators, the Commissioner shall forthwith refer the matter to the board of arbitrators.

Allowance to arbitrators.

21. Each member of the board of arbitrators shall receive a sum not exceeding six dollars per day for every day while employed on the arbitration, in addition to travelling expenses, and such sums shall form part of the costs of arbitration.

Awards, how made. &c., &c., &c.

22. All awards of the board of arbitrators shall be in writing, signed by the arbitrators, or at least three of them, and shall be filed in the office of the Commissioner.

Notice of award.

23. The Commissioner shall cause the parties to the arbitration to be notified of the award immediately after the same is filed in his office.

Meeting of arbitrators.

24. The board of arbitrators shall, as far as practicable, meet at the place or mine where the dispute arises, but nothing in this section shall prevent their meeting at any other place.

Matters at present in dispute.

25. Any matter in dispute between the employer and employed, or any division of the employed, at the time of the passing of this Act, may be submitted to the board of arbitrators in the same way as if it had taken place after the passage of this Act.

Record of proceedings

26. The secretary of the board of arbitrators shall keep a complete record of all proceedings under this Act, and shall file with the prothonotary of the county wherein the dispute occurs a copy of the complaint lodged with the Commissioner, and a copy of the award of the arbitrators, or of the report of the committee, as provided in the fourteenth section.

Award, how enforced.

27. The award, when filed with the prothonotary, as provided by section 26 of this Act, shall, on motion of the successful party, be made a rule of the Supreme Court, and the said Court may enforce obedience to such award, duly made under this Act, directing a judgment to be entered, or execution to issue for the amount thereof, with costs or otherwise, to carry into effect such award.

Award, effect of.

28. When the award is against the employer, it shall, when filed, act as an attachment against all the property of the employer after the amount that may be due the province for any royalties unpaid shall have been satisfied, but such award shall in no way affect any *bonâ fide* mortgage or judgment previously registered.

Power of Commissioner, board, &c., &c., &c.

29. The Commissioner, the board of arbitrators, and the committee referred to in the fourteenth section of this Act, shall respectively have all the power and authority of persons appointed under chapter 120 Revised Statutes, "Of inquiries concerning public matters."

Books, &c., &c.,&c., open to inspection.

30. The books, records, accounts, and papers of the board of arbitrators shall at all times be open to the inspection of the Commissioner, or any person appointed by him for such purpose.

Yearly report.

31. The chairman of the board of arbitrators shall, within twenty days after the close of each calendar year, make a report in writing to the Commissioner, setting forth the operations of the board during such year, which report shall be laid before the legislature.

Appeal, mode of.

32. None of the proceedings under this Act shall be removed, by *certiorari* or otherwise, into any court of record. The right of appeal from the decision of the arbitrators therein shall be to the Supreme Court *in banco*, and the procedure therein shall be the same as in the case of an appeal from the decision of a single judge to said Supreme Court *in banco*. The notice of appeal shall state whether the whole, or part only of the decision of the arbitrators, is complained of, and in the latter case shall specify such part.

Disqualification.

33. The person appointed under section 13 shall not in any way be interested in, or in the employ of, any other company carrying on a similar business to that concerning which the investigation is held.

Inconsistent law repealed.

34. Chapter 3 of the Acts of 1888, and so much of the existing law as is inconsistent with this Act, are hereby repealed.

APPENDIX B.

Agriculture in British Columbia.

Province of British Columbia.

The following report with regard to the Kamloops Division of Yale District, in the Province of British Columbia, Canada, has been received, and is printed as a typical description of the agricultural labour question in that province.

Centres of population in division.

1. The principal centres of population in the division are Spallmucheen, with about 140 settlers in the neighbourhood; Salmon Arm, with 40 settlers in the neighbourhood, most of whom have lately taken up the land; Notch Hill, Shuswap, and Tappau Siding, with about 25 settlers; Ducks and Grand Prairie, 18 miles from Ducks, with about 50 settlers; Kamloops, Savona, and Tranquille, with about 125. Shuswap, Ducks, and Kamloops are on the banks of the South Thompson River, about 18 miles apart; the river comes out of the Shuswap Lake, and joins the North Thompson at Kamloops. The river below Kamloops widens out into a lake, on the north side of which lies Tranquille, and at Lytton the Thompson joins the Fraser.

Description of climate.

2. The division varies very much in respect to the amount of rainfall in the year and the general moisture of the atmosphere: at Notch Hill, Salmon Arm, Shuswap, Spallmucheen, and Tappau Siding the settlers can raise crops without having recourse to irrigation; whilst at Ducks, Grand Prairie, Kamloops, Savona, and Tranquille the land would not produce any crops without being irrigated. The average rainfall for Kamloops given in the report on agriculture for 1891 is 11·05, taken from a group of years, and the snowfall in inches for the year is 34.0.

Effect on the settlement of the country caused by want of rain.

3. The want of rain necessarily has an effect on the number of settlers, and the size of their holdings at Notch Hill, Salmon Arm, Shuswap, Spallmucheen, and Tappau Siding; the holdings vary from 160 to 640 acres, one or two stock ranches being larger, whilst at Ducks, Grand Prairie, Kamloops, Savona, and Tranquille the settlers have more land than can be cultivated at present owing to the want of water.

I.—The Supply of Labour.

Supply of labour sufficient.

4. Only a few ranches in the division employ hired labour, all the other settlers help one another as each requires help, or in the case of a man and his family settling on land they do all the work between them. On all the large ranches the cook is a Chinaman, and the other regular men are white men, and when extra help is required, as in the case of the round up of the cattle, haytime, or harvest, the small settlers or Indians come and work for the owners.

Immigration and emigration of labour.

5. In a new country such as this there are always some white men going from one place to another, and they are often glad to take work on a ranch, so as to earn some money to help them on their way.

No comparison as to efficiency.

6. It is not possible to compare the labour of the present time with that of the past, because the country has so lately been opened up. As compared with other divisions, the efficiency of the labourer is the same, but, of course, the best manager gets the best men.

II.—Conditions of Engagement.

Engagement by the month.

7. On the large ranches there are always a few regular men who are engaged by the month, and paid from $30 to $40 per month; in some cases they have been on the ranch four or five years, but there are no written agreements, and if an owner wants to get rid of one of his men he pays him his wages up to date, and the man goes; in the same way, if a man wants to go, he does not give more than a day's notice.

Engagement by the day.

8. All other men are engaged by the day, and they then do not work on Sundays.

Hours of work and meal hours.

9. The hours of work are, as a rule, from 7 a.m. to 12 noon, and from 1 p.m. to 6 p.m. Breakfast is at 6 a.m. in summer, and 7 a.m. in winter. Dinner from 12 to 1 p.m., and tea soon after 6 p.m. The men who have horses to look after are in the stable by 5.30 a.m., and groom them down for the night after tea.

No deduction for going to or coming from work.

10. The hours are the same, whether the work is close at hand or some miles away, only in this latter case the men usually camp for a day or two near their work, if it is likely to take more than a day.

Sunday work.

11. The only work done on Sundays is looking after the horses, and where there are cows milking them.

III.—Wages and Earnings.

Wages reckoned by day or month.

12. Wages are either calculated by the day or the month at the following rates: white men, if hired by the day, received $1.50, with board and lodging; Chinamen, from $1 to $1.50, with board and lodging; Indians, from $1 to $1.50, with board, unless they are rounding up the cattle and using their own horses, when they get from $2 to $2.50, with board for themselves and oats and hay for their horses. The white men, hired by the month, get from $30 to $40, with board and lodging; and a Chinaman, from $25 to $30, with board and lodging.

Piecework put out to contract.

13. The men on a ranch do all their work as day work; if the owner has some fencing to do which he cannot manage with his own men, he will let it by contract at a fixed sum per yard to one of the small settlers, and hay is sometimes put up in the same way at from $2 to $2.50 per ton.

The ordinary men have no addition to their wages.

No difference at haytime and harvest.

14. There is no difference in the mode of payment at haytime or harvest, except that the higher amounts stated above are paid then.

Account of mode of paying Indians on a large ranch.

15. On a large ranch with over 60,000 acres of freehold in the Nicola Division, which joins the Kamloops Division to the south, the manager employs Indians from a reservation, which cuts into the middle of the property, for all work in connection with the cattle, having a white man in charge of them. He pays the Indians from $1 to $1.50 per day with board, and if they use their own horse for the work, $2 per day; the ranch lies some 60 miles from the Canadian Pacific railway in a southerly direction. There is a store at the principal station, and the Indians, instead of being paid in money, are allowed to take their wages in goods from the store; this answers very well in this particular case, as the Indians are kept from starvation in

the winter, and if they are in debt to the store they come and work it off in the summer. If the Indians were paid in money they would probably spend it in trying to get spirits, whereas by this arrangement they get food and clothing for themselves and their families all the year.

IV.—Cottage Accommodation.

No cottages on a ranch.

16. There are no cottages on any of the ranches in this division, all the men are single, or, if married, their wives live in a town. On the large ranches there is a bunk house, made either of logs or a frame house, near the dwelling-house where the men sleep, and they come to the dwelling-house for their meals. The berths in a bunk house are arranged in double rows across the back of the room, the front of the room being used for dressing, and having a stove, table, and chairs for the men's use.

V.—Gardens and Allotments.

17. There are none.

VI.—Benefit Societies.

18. There are none.

VII.—Trades Unions.

19. There are none.

VIII.—General Relations between Employers and Employed.

Relations between employers and employed, good.

20. The general relations are good; as the employers are always with the men, they know one another well, and a man knows he can go at once if he is not satisfied.

IX.—General Condition of the Agricultural Labourer.

Condition of men, good.

21. The general condition of the men is good: they have everything found for them except their clothes, tobacco, and spirits, and their wages are ample to buy all they want; most of them save money if they are steady, and some of them go to England, the United States, or Eastern Canada for a trip in the winter. During the last year there has been a fall in the price obtained for cattle throughout the country, but I have not heard that it has so far affected the men's wages.

APPENDIX.

Statement of Wages paid on a Ranch from 1st January 1892, to 1st January 1893.

	$	Actual amount paid. $	
Manager - -	75 per month.	900	per annum.
Cow boy - -	50 ,,	600	,,
Teamster	35 & 40 ,,	464.50	,,
Chinaman cook	30 ,,	360	,,
Ordinary hand from 1st January to 27th June 1892 - - -		218	
Ordinary hand from 1st June to 1st January 1892 - - -		274	
Paid in day wages to 16 men at different times of the year*		1,204.67	
Paid for piecework for fencing		126	
On contract for putting up hay		560.15	

APPENDIX C.

Books and Pamphlets bearing on Labour Questions in Canada and Newfoundland now in the Library of the Royal Commission on Labour.

1. Report of the Royal Commission on the Relations of Capital and Labour in Canada. (3 copies.)
   Evidence: Ontario. 1887-88. (3 copies.)
   ,, Quebec, 1888 (Parts I. and II.) (3 copies.)
   ,, New Brunswick, 1888. (3 copies.)
   ,, Nova Scotia, 1888. (3 copies.)

2. Report on the Social Economy Section of the Universal International Exhibition of 1889, at Paris. (Prepared by Jules Helbronner, member of the Royal Labour Commission).

3. Reports of the Inspectors of Factories for the Province of Ontario, 1889 and 1890.

4. Annual Reports of the Bureau of Industries for the Province of Ontario, Part IV., Wages and Cost of Living, 1888, 1889, and Parts IV. & V., Loan and Investment Societies and Chattel Mortgages, 1891.

5. Reports of the Auditor-General on the Public Accounts of New Brunswick, 1890 and 1891.

6. Reports of the Chief Commissioner of Public Works, New Brunswick, 1890 and 1891.

7. Annual Report of the Schools of New Brunswick, 1890 and 1891.

8. Reports of the Crown Land Department of New Brunswick, 1890 and 1891.

9. Report on Agriculture for New Brunswick, 1890.

10. Reports of the Provincial Lunatic Asylum, 1890 and 1891.

11. Report of Her Majesty's Commissioners appointed to carry out a scheme of Colonisation in the Dominion of Canada, of Crofters and Cottars from the Western Highlands and Islands of Scotland, 1890, 1891 and 1892.

12. Parliamentary Procedure, Bourinot, 1892.

13. Bulletins issued by the Ontario Agricultural College.

14. First Report of the Department of Agriculture of the Province of British Columbia, 1891.

15. The Conditions of Female Labour in Ontario, Jean Thomson Scott, B.A., 1891.

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* N.B.—This includes the branding the cattle, also haymaking and harvest work.

REPORT ON THE LABOUR QUESTION IN AUSTRALIA, TASMANIA, AND NEW ZEALAND.

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REPORT ON THE LABOUR QUESTION IN AUSTRALIA, TASMANIA, AND NEW ZEALAND.

DIVISION I.—TRADE DISPUTES.

A:—General Relations between Employers and Employed.

1. Rise of the Labour Question in Australia.

The Labour Question in Australia and New Zealand is of comparatively recent origin, since in the early days of the colonies, when labour was scarce and capital plentiful, wages were high and the cost of living disproportionately small. Consequently the condition of the labourer was far superior to that of his fellow-workman at home, and it is the struggle to maintain this exceptionally favourable position at a time when labour is over plentiful and when capital does not bring in a sufficient return to encourage its employment in industrial undertakings which has embittered the relations between the Australian workman and his employer. How strained these relations have become may be judged from the frequent use of the term, "Labour War," in describing industrial conditions, and from the wide-spread influence of doctrines such as the right of the labourer to the profits of his labour, and the necessity of placing the means of production in the hands of the State, if the workman is to meet with justice.(1)

Number of men out of employment.

Evidence of the depression of industry is to be found in the large numbers of men out of employment throughout the Australasian colonies. The Victorian Year Book for 1890–1 reports no demand for labour in Victoria, except in the case of domestic servants, miners, and, at special seasons, agricultural labourers. Between February and April, 1892, 7,500 people were registered as unemployed in the new Government Labour Bureau, opened in Sydney (*see* p.), and this number included 3,924 manual labourers, 3,201 mechanics, and 375 clerks and professional men. The census for Western Australia in 1891 contains the names of 826 men and 52 women, who returned themselves as "unemployed," in some instances, however, without fully understanding the meaning of the term. Again in June 1891, a Government Labour Bureau was established in New Zealand, which assisted 2,400 people to find work between that date and March 1892. In Queensland it appears that in the autumn of 1886 a Government Labour Bureau was established in Brisbane owing to the agitation with regard to the numbers of unemployed, and though, in the opinion of the Immigration Agent, much of this agitation was without reasonable cause, between October and December 624 men were sent to situations or back to their friends and relations. The depression which was proved to exist diminished, however, during the next few years.(2)

Diminution of profits.

A second proof of the depression in industry is to be found in the rapid diminution of profits in almost all branches of trade. Though in the past many fortunes have been made in Australia, and though there may be a few such instances in the present, they are increasingly rare, and the majority of capitalists have to face the problem of diminishing returns without a corresponding reduction in the price of labour. The yield from the gold fields becomes less every year, and is obtained at a greater expense. Coal-mining involves a great outlay if it is to be at all remunerative, and unless pursued under favourable conditions, and in the neighbourhood of a port, yields scarcely any profits. The pastoral industry, which was formerly a mine of wealth, has become greatly impoverished through bad seasons and the increased price of land and labour, whilst in the shipping trade, on which large sums have been expended, competition has reduced profits to a bare two per cent.(3)

Result of this depression upon employers and employed.

Under these conditions it has been the aim of employers to reduce their expenses by the most obvious means, that of reducing wages, whilst on the other hand the workmen have striven to maintain the high wages, the political privileges and the greater facilities for comfortable living or the acquisition of land, which they formerly enjoyed, by combining to resist any attempt on the part of the employers to bring down the rate of wages. Hence the spread of unionism throughout Australasia, and as a natural consequence the rise of combinations amongst employers to protect themselves from aggression on the part of the unions. Thus the two industrial parties have been organised, and the struggle to-day is not between individual employers and their workpeople, but between federations of capital on the one side and federations of labour on the other.(4)

2. Trade unions. *a.* Amongst men. Originated in England.

Inasmuch as the principles of trade unionism were brought over to Australia by men who had learned them in England, the earliest Australian trade unions were either branches of unions already existing in England, or were organised on the English model. As early as 1850 a branch of the English Amalgamated Society of Engineers was established in Australia, and since that date almost every industry has formed its own organisation. In New South Wales alone there are at least a hundred unions with between 50,000 and 60,000 members, and in Victoria there are seventy with from 25,000 to 30,000; in most other colonies, with the one exception of Western Australia, labour is as highly organised.(5)

Legal status.

The earlier unions included in their constitution some provision for benefit funds, partly because the English law encouraged and protected associations of the nature of friendly societies long before it extended its protection to the funds of trade unions by the Act of 1868. The legal position of trade unions in Australia has been defined by certain special Acts passed by the legislatures of the various colonies. The Acts for New South Wales, passed in 1881, for Queensland in 1886, and for Victoria in 1890, declare that "the purposes of "any trade union shall not by reason merely that they "are in restraint of trade, be unlawful," and the Queensland and Victorian Acts define a trade union as "any "combination, whether temporary or permanent, for "regulating the relation between workmen and em-"ployers, or between workmen and workmen, or be-"tween employers and employers, or for imposing "restrictive conditions on any trade or business." In New South Wales it is provided that no Court may institute a suit to enforce or recover damages for any breach of agreement on the part of a trade union concerning conditions on which they shall sell their goods, transact business, employ and be employed, or any agreement as to the payment of subscriptions or as to the application of the funds of a trade union. The New South Wales, Queensland, and Victorian Acts, as well as a Tasmanian Act of 1890, all provide that any seven or more members of a union, on subscribing their names to its rules, may register it under the Act, provided that all its purposes be lawful. Further all the real and personal property of a union must, under all four Acts, be vested in properly appointed trustees, who have power to bring or defend an action in any court concerning the property of the union, but who are not to be held pecuniarily liable for any deficiency in the funds. The misapplication or embezzlement of funds by any officer or member of a union may be investigated in a court of summary jurisdiction, and

(1) Spence, "Ethics of New Unionism," 1892, pp. 5, 6, 7. Rayment "The Rights of Labour," reprinted from the "Pioneer," 1891, p. 10. Charleston, "New Unionism," 1890, p. 6. Report of Royal Commission on Strikes, New South Wales, 1890, Précis, p. 16. Report of Royal Commission on Shops and Factories, South Australia, 1892, p. 7.

(2) Victorian Year Book, 1890–1, Vol. I., pp. 488–497. Memorandum from the Government Labour Bureau for Emigrants. Home Office, London, April 19th, 1892. General Report of the Census for Western Australia, 1891, p. 77. Report of the New Zealand Bureau of Industries, April, 1892. Immigration Agents' Reports, Queensland, 1886, pp. 2, 3; 1889, p. 3; 1890, pp. 2, 3.

(3) Report of Secretary for Mines, Victoria, 1890, p. 7. Report of Royal Commission on Strikes, New South Wales, 1890; Précis, pp. 126, 127, 254.

(4) Return showing wages paid in various Industries in the Colonies pp. 5, 7–14, 16–19. Report of Royal Commission on Strikes, New South Wales, 1890, Précis, pp. 139, 184, 222.

(5) Report of Royal Commission on Strikes, New South Wales, 1890 Literary Appendix, p. 155.

the offender may be ordered to repay the amount and to pay costs and a further sum not exceeding 20*l.* The Victorian, Queensland, and Tasmanian Acts require treasurers to present their accounts to the trustees or members of a trade union from time to time. In Victoria and Queensland persons under the age of twenty-one but above that of fifteen are eligible for membership, whilst in Tasmania the minimum age is eighteen. In Victoria and Tasmania unions can only be registered if their rules contain provisions as to the manner in which the union shall be dissolved, and as to the application of the funds in that case to the payment of all liabilities incurred by the union, the payment of all just claims made by persons entitled to relief or benefit, and any other purpose which the rules shall specify. In both colonies unions must present an annual statement of accounts to the Government statistician or registrar, who must in turn report to the Minister. The certificate of registration can only be cancelled on the request of the union, unless it is proved to have been obtained by fraud or mistake, or unless the union has violated the provisions of the Act, or has ceased to exist. In Victoria any member of a trade union may nominate in writing the person to whom any money due on his death shall be paid. The nominee must not be an officer of the union, unless he is also a near relation of the nominator. Similar Acts for the legalisation and protection of trade unions were passed in South Australia in 1876, and in New Zealand in 1878.(1)

Benefit funds.

As stated above the majority of the older unions possess benefit funds. The majority also provide sick and funeral benefits, whilst some give a superannuation allowance as well as the out-of-work allowance, which distinguishes them from other provident societies. Amongst the newer and more aggressive unions benefit funds are less common. Most unions state that the members combine for mutual protection and to secure and maintain a certain rate of wages in their trade, whilst some few state that they provide funds for the moral and social elevation of the workers. The principal benefits offered by these associations are a funeral allowance, varying from 5*l.* to 15*l.*, an allowance for widows and orphans, and an allowance to members out of work. A strike allowance, varying from 7*s.* 6*d.* to 36*s.*, but usually 1*l.* a week as long as the funds hold out, is offered by most of the newer unions; the iron-moulders of Sydney add 5*s.* for the wife and 1*s.* for each child under fourteen not in work. The Railway and Tramcar Men's Unions in South Australia grant old age pensions.(2)

Political and economic aims.

Some few unions lay down the minimum wage to be accepted by members; this has been especially the case in unions belonging to the clothing trades, which have drawn up elaborate lists of prices. Again many were formed under the influence of the eight hours' agitation, and therefore include amongst their objects the obtaining and upholding an eight hours' day; in some cases it is made penal to work on Labour Day, when the success of the eight hours' movement is commemorated. The miners' unions of New South Wales strive "to "obtain legislative enactments for the more efficient "management of mines." Other unions seek to limit the number of apprentices to be employed, and the New South Wales Confectioners' Society aims at excluding women from the trade. The Seamen's Union sets forth its objects somewhat vaguely as "to sweep away "abuses; to enable its members to fill their positions "with comfort to themselves and advantage to their "employers; members are to bear in mind that the "Federated Seamen's Union is not formed in antagonism to their employers; on the contrary, they are "required to show by their ability and their strict "attention to duty, that their being members of this "society is a guarantee to owners of ships that in "employing them they are consulting their own "interests."(2)

Officers and subscriptions.

The officers of the unions are usually the president, vice-president, secretary and treasurer, who, together with certain trustees, constitute the executive; in some cases there is a committee in addition. The entrance fees vary from 1*s.* to 2*l.*, or even 5*l.* 5*s.* in the case of the coal-lumpers. In the Friendly Trade Society of Ironmoulders, New South Wales, the entrance fee is 1*l.* 5*s.* for a man over 21; in the United Society of Boilermakers it is 1*l.*, and in the Amalgamated Society of Engineers it is as high as 3*l.* 10*s.* The subscriptions range from 6*d.* a month to 1*l.* a year, or more usually, 6*d.* a week.(2)

c. Attitude towards strikes.

In most unions some provision is made for the adjustment of disputes. "Shop committees" are appointed to report all disputes in an establishment to the union, and in many cases, as for instance in the Coal-lumpers Union, it is a rule that no strike may be declared till every means of conciliation has been tried. The later trade unions, which were organised with the special object of dealing with disputes between employers and employed, have for the most part well-defined rules as to the way in which these disputes shall be conducted. It is usual to prohibit members from striking until a ballot has been taken in the union concerned, and in many unions there must be a majority of two-thirds in favour of a strike before it can be declared. Branch unions are forbidden to abandon work without the consent of the general body, and if these rules are disregarded, the offenders forfeit their strike allowance. Other unions, as for instance the Seamen and the Building Trades' Council have established boards of conciliation (*see* p. 32); and where unions are affiliated to some central body, as is usually the case, matters in dispute are referred to the central council, though, except in important cases, this reference is discouraged. In the most recently formed unions, which frequently state that they aim at maintaining "the rights and privileges of labour," provision for strikes undoubtedly takes precedence of the support of members in distress. No allowances of any kind are made by some, except to members on strike, whilst vigilance officers are appointed to protect members against their employers by interfering if they consider it necessary, or carrying the complaints of members before the officers of the council. Besides providing strike allowances, or sometimes rations in place of money, these unions assist other unions in difficulties with employers, either by granting aid to their members or by providing legal assistance. The necessary funds are supplied from the resources of the union, supplemented by contributions from other unions and a levy, usually limited to 5*s.*, or to a fixed proportion of wages, from members in work. As a means of making strikes effective, some unions, such as those of the Shearers, Miners, Smelters, Draymen, Trollymen, and Carriers, and Colliery and Marine Engineers, as well as the Co-operative Journeymen Bakers' Society of South Australia, and the Limited Co-operative Bricklayers' Trade Society of New South Wales, impose a fine upon members who work with non-unionists.(2)

b. Amongst women.

Women in Australia have been slow to form themselves into organisations, partly owing to the strong opposition which they have had to encounter from their employers, and the serious consequences to themselves which have often ensued. Mrs. Powell, a witness examined by the New South Wales Commission on Strikes, said that the President of the Tailoresses' Union in Sydney had been discharged owing to her position in the organisation, and that girls were in consequence afraid to become members. In most of the large towns, however, there are now one or more unions amongst women, for the most part connected with the clothing trades. In Dunedin, a Tailoresses' Union was the outcome of an inquiry into alleged cases of sweating made by a commission appointed by the "Daily Times." Much difficulty was experienced in obtaining the recognition of employers, but this has now been surmounted on condition that the scale of charges should be drawn up by a joint committee of employers and employed, The union has now four branches and a membership of 900; it aims at embracing all the female workers in Dunedin, and establishing similar unions in other towns of New Zealand. There is also a trade union in South Australia embracing female workers in all branches of labour. Its principal object is to arrange for an amicable settlement of disputes by reference to a board of conciliation, composed of two representative members from each factory in the trade and one representative of each firm.(3)

3. Associations of employers.

The need for mutual support does not, as a rule, arise among employers until powerful unions have been

(1) Montrose, "Trade Unions," 1886, p. 5. Trades Union Rules and Publications, South Australia.
(2) Rules of Trade Unions.

(3) Otago "Daily Times," January 28, 1889. Report on Sweating System in Dunedin, 1889, p. 24. "Some Account of the Origin and History of the Tailoresses' Union" (MS.) Rules of Unions.

formed amongst their employés. The frequent trade disputes which result call for combined action and a consistent policy on the part of employers, and it will be found that almost all employers' associations in Australia were formed during a period of struggle, with the object of arriving at a settlement of trade disputes. Thus in the pastoral industry unions were only formed amongst the employers when the Shearers' Unions had grown so strong as to insist that all shearing should be carried on according to the rules of the union. Prior to 1890, there were local associations of pastoralists, but the difficulties of that year (*see* page 29) led to the formation of the larger associations known as the Pastoralists' Union of Victoria, the Pastoralists' Union of South Australia, the Pastoralists' Union of New South Wales, and the United Pastoralists' Association of Queensland. These unions aim at preventing strikes by agreeing amongst themselves upon what they consider to be just conditions of labour, and then offering their terms for the consideration of the organised employés. Further, the United Pastoralists, as well as Australian employers in general, are striving to maintain "freedom of contract," or "the right of each man, whether "unionist or non-unionist, to work for whom he likes "as long and for what wages he likes"; whilst the labour organisations, on the other hand, are striving for the "recognition of unionism," which they define as "the right of any body of men following any trade "or calling to organise themselves into a union for "the protection of their rights and interests." There is also in Australia a Steamship Owners' Association, established as early as 1878, and representing eighteen companies. Its objects are the removal of hindrances and obstructions in the shipping trade and the advancement of matters of common interest to shipowners, as well as the determination of other matters where unity of action appears necessary or desirable. This association was not formed for the special purpose of dealing with labour troubles.(1)

4. Federations.
a. Of employers.

As employers' associations were comparatively rare until the trade unions had established themselves securely, and were approaching the period of federation, it soon became necessary for such associations to form federations corresponding to the federations of labour. Hence, in most of the Australian colonies there are General Employers' Unions, comprising the employers engaged in different industries. The Employers' Union of New South Wales was formed in 1888 "to "secure to its members the advantage of unanimity of "action." Every member pays an annual subscription in proportion to the amount which he pays in wages; this subscription varies between 1*l.* and 15*l.* Mr. Bruce Smith, a former president of the Victorian Employers' Union, took a prominent part in organising this union, in the hope that it would afford a means of settling strikes, by bringing together the employers and the employed as members of a voluntary board of conciliation elected by the unions on both sides. Such a board had existed in Victoria in connexion with the Victorian Employers' Union and the Trades' Hall Council, or federation of trade unions, and though this board had ceased to exist, the Employers' Union still remained able to settle strikes by appointing members to meet delegates of the Trades' Hall Council. In 1887 Mr. Bruce Smith claimed for the Victorian Employers' Union that it had altered the attitude of the working classes in Melbourne towards employers, and established feelings of mutual goodwill and respect between the two industrial parties, whilst it had averted a number of conflicts by conferring with the Trades' Hall Council, and had established a fund which was always ready to assist employers in difficulties with their workmen. Again, an organisation of this kind enables employers to discuss any legislation in which their interests are concerned; thus, the report of the Victorian Union for 1885 criticised the Employers' Liability Bill then before the Legislature, and pointed out that the absence of any restriction as to time or any limitation to the liability of the employers would prejudice the interests of its members. In South Australia there is also an Employers' Union, which, together with the United Trades' and Labour Council, has settled a number of disputes. Besides the federations of employers in different industries in one colony, there is also a federation of employers in different colonies belonging to one industry, that of the Pastoralists. The Pastoralist Unions already mentioned sent delegates to Sydney in 1891, who organised a federal council to conduct the business of the industry. The rules of this council provide that if any member cannot settle any matter in dispute with his employés, he is to report the case to the secretary of the council, whereupon the council may appoint the secretary or another member to report on it. No member of this federation may ask an employé whether he is a unionist or a non-unionist.(2)

(*b.*) Of employed.

Similarly, the movement towards federation amongst the employed in Australia takes one of two forms. Either unions representing one industry in different colonies become federated, or the same process is repeated amongst unions belonging to different trades in one colony. Thus, on the one hand, there are the Federated Seamen's Union of Australia, the General Labourers' Union of Australia, called also the Australian Workers' Union, and including men and women alike, and the Amalgamated Shearers' Union; whilst, on the other hand, we have the Trade and Labour Councils of New South Wales and of South Australia, the Trades' Hall Council of Victoria, and in Queensland the Australian Labour Federation. The New South Wales Trade and Labour Council was established in 1871. About a hundred unions are affiliated to it, and the subscription is 1*s.* 4*d.* a year from each affiliated member. The council chiefly concerns itself with the settlement of disputes, but expects each affiliated union to endeavour to settle every question for itself without referring it to the council. The final step in the process of federation was taken in 1891, when a scheme was drawn up for the constitution of the Australian Federation of Labour. Since 1883 annual meetings have been held between representatives of the most important trade societies, under the name of the Intercolonial Trades Union Congress. At this congress questions affecting labour were discussed and resolutions adopted to guide the action of the different societies, but it was felt that more could be accomplished by a closer system of federation, and at the congress held at Ballarat in 1891, a scheme was drawn up, prefaced by the following declaration:—

"The last great struggle has taught us that under our "present system a single union or sectional group of "unions might at any time involve every union in "Australasia in what the majority might consider an "unsought and impolitic conflict: there is no method "of constant interdependence, consultation, and "alliance. Recognising these imperfections in our "present system, the Australian Labour Federation "(Queensland) convened an Intercolonial Conference "of Delegates to prepare a basis of federation, with a "view of formally instituting at the Seventh Trade and "Labour Congress, an Australian Federation of "Labour."

This federation aims at improving the condition of labour throughout Australasia, furthering and extending the federation, preventing threatened strikes or maintaining the union involved, securing the direct representation of labour in Parliament, and a better advocacy of the principles and rights of labour through the press. According to its constitution every affiliated union pays to the district council 4*d.* a month for each of its financial members; women's unions are admitted on half payment. The general council is composed of one member from each district council, and is charged with the furtherance of the objects of the federation in accordance with the rules; on any question relating to the government of the federation or its rules, a general vote of all the members may be taken. Each colony is known as a province and has a provincial council with rules of its own. The provincial presidents, together with a general president, secretary, and treasurer, elected by *plébiscite*, compose the executive. Districts may also be organised as shall seem desirable. In case of a dispute it is provided that each union must first endeavour to settle the matter peaceably, but failing such a settlement, it must submit the matter to the district executive, which will act in conjunction with a committee of the union. If a settlement is not arrived at by these means, the matter must be brought before the affiliated unions, and before the district council

(1) "Strikes and their Cure," New South Wales Employers' Union, 1888, pp. 10-12, 17, 19. Report of Royal Commission on Strikes, New South Wales, 1890, Précis, p. 118; Appendix, p. 133. Report of Conference of Employers' Union, Victoria, 1889, p. 4. Rules of Pastoralists' Unions and of New South Wales Employers' Union. Official Statement of Pastoralists' Federal Council, pp. 10, 11, 21.

(2) Official Statement of Pastoralists' Federal Council, 1891. Report of Royal Commission on Strikes, New South Wales, 1890, Appendix, p. 133. "Strikes and their Cure," 1888, pp. 8, 10-12, 17, 19. Address of the President, Victorian Employers' Union, 1887, p. 4. Report of Special Committee appointed by the Victorian Employers' Union, 1885, p. 2.

pledges its assistance to any affiliated union it must, if time permits, obtain the results of voting in various affiliated unions. If the district council determines to give its support, it may then levy a special contribution upon every employed member in its district, and it is also empowered to censure, in the name of the federation, "any corporations, firms, or individuals whose conduct shall, in its opinion, show them to be unjust, "cruel, or bitter enemies to labour." The federation reserves to itself the right of withholding assistance from any affiliated body entering on a strike without the sanction of the district council.(1)

c. Effect of federation.

The effect of federation in strengthening the hands of the parties on either side cannot be doubted, but the nature and extent of its influence upon the number of disputes in an industry is a matter of controversy. Its supporters claim that the future settlement of industrial disputes will be found in the continually advancing organisation of labour. According to Mr. Bruce Smith, "trades unionism is the only possible medium through "which conflicts between capital and labour can be "averted. By means of trades unionism workmen "think and act in masses; by its means they are "disciplined to the unanimity of action which gives "them their power. It is by that identical means (if "at all) that they must be induced to recognise the "conflicting working of certain economic laws, and to "act, through their leaders, with unanimity in adopting some method of averting such conflicts." Again, after advocating the establishment of a board of conciliation, he continues:—"At this stage of our inquiry "we are met with a practical difficulty. How should the "members of such a tribunal be appointed? The "difficulty I speak of arises in the case of employers. "They are, as a rule, hopelessly disconnected and "dissociated. They have never cultivated the spirit of "unanimity except in sections, and many of them take "such an erroneous view of trades unionism that they "would be unmanageable unless influenced by the "large body of their fellows. The only solution of this "difficulty is for all the principal employers of the "colony to form a union on exactly the same principles "as the trades unionists themselves." Indeed, in the opinion of many people, the complete federation both of employers and of employed is a necessary preliminary to the satisfactory establishment of boards of conciliation. Again, where a union can find out with ease exactly how much support will be forthcoming from members of other unions, it will perhaps be less likely to engage in an ill-considered strike, and the complicated procedure necessary before a strike can be declared is thought to exercise a deterrent effect. Thus the report of the South Australian Trade and Labour Council for the half-year ending August, 1890, states that 15 disputes came before the council and that in nearly every case a settlement favourable to the employés was quickly secured. On the other hand it cannot be denied that when a strike occurs the influence of federations of labour is to enlarge and extend it, and that the number of sympathetic strikes is vastly increased by the same agency.(2)

d. The "New Unionism."

The rise of a new spirit amongst unionists tends also in the direction of conflicts. The newer labour leaders in Australia aim less at the protection of the members of given industries than at the reconstruction of society upon a socialistic basis. They desire "the brotherhood of all wage-earners," and "the brotherhood of all producers "in State co-operation." To accomplish the first end they seek the perfect federation of labour, and to accomplish the second the appropriation by the State of all the means of production. These results will, they think, best be achieved if their party can obtain direct representation in Parliament, and several labour members have already been returned in New Zealand and New South Wales. New Zealand, indeed, has taken the further step of nominating four labour "Peers," or members of the Upper House. One of these is a boilermaker, another a compositor, a third a storeman, and the fourth a foreman printer. The more advanced among the party advocate that "the whole community "should be organised into a labour army under the "control of the State, every man having his work "allotted to him and being paid by labour cheques in "place of money." They then suppose that each man need only work an hour and a quarter a day, whilst the rest of his time would be given to improvement. The more practical members of the labour party, however, merely advocate a unionism which is to embrace all classes of labour without distinction of sex. There is to be no entrance fee, so that the poorest may be eligible, and the members are to aim at the cultivation of the altruistic virtues and to produce not for profit but for use. Such a union Mr. Spence, one of the leaders of the party, and President of the Amalgamated Shearers' Union, is seeking to create under the name of the Australian Workers' Union, formerly the Union of General Labourers. The aims of his party are expressed in a manifesto issued by the General Council of the Australian Federation of Labour, and include nationalisation of the means of production, State conduct of all production and exchange, State pensions for the aged and infirm, State maintenance of educational and sanitary institutions, and the redistribution of wealth by the State.(3)

B.—Causes of Strikes and Lock-outs.

1. Wages. Advance or reduction.

Strikes have been frequent in Australia, and, up to a recent date, were usually undertaken to obtain an advance in wages. Except in the clothing trades, however, labour is now highly paid, and though there is occasional discontent with the rate of wages, strikes to obtain a direct advance are comparatively rare. This is partly due to the spread of education and to the diffusion of a knowledge of the state of trade which prevents the employés from making demands incapable of settlement by a friendly agreement, such as that ratified by the Steamship Owners' Association and the Seamen's Union of New South Wales in 1884, or that which determined the wages of wharf labourers in 1890. Where the unions lay down a minimum rate, this is usually accepted by the employers, since any attempt to alter it contrary to the wishes of the union is rarely successful, unless a large supply of free labour is immediately available. As methods of production change, these scales of wages drawn up by the unions require frequent revision, and disputes not infrequently result. In 1890 disputes of this kind occurred between the Felt Hatters' Society of South Australia and their employers, and between the Masons' and Bricklayers' Association and the Builders' Labourers' Society of Adelaide. The first difficulty was settled by a compromise, but the second resulted in a strike of a week's duration, owing to the attempt of the contractors to change the ruling rate. But the greatest number of strikes in connexion with wages in recent years have been undertaken to resist the reductions which the depressed state of industry has caused the employers to attempt. This has been especially the case amongst miners, where the question is further complicated by the varying conditions of work. A proposed reduction of 4*d.* a ton in the wages of hewers caused a strike at Mount Kembla in New South Wales, and another strike was occasioned at Clifton by a proposed reduction of 3*d.* The comparative ease or difficulty with which seams can be worked is often a cause of trouble. At Mount Kembla in 1886 the miners went on strike for an extra payment of 1½*d.* a ton when two shifts of men were obliged to work in one "bord." Again, at the Coalcliff Colliery, New South Wales, the hewers were paid according to the amount of good coal produced, with no allowance for slack or waste. As the coal was very soft they were given 5*d.* above the usual rate, but when after a time the coal became hard, the managers proposed to reduce the price and a strike ensued.(4)

Infrequent payment.

There is little complaint of delay in the payment of wages in Australia, though some discontent prevailed amongst shearers prior to the strike of 1891 (*see* p. 29), owing to the retention of part of their wages until the fulfilment of the term for which they had contracted. The employers, on the other hand, argued that this practice was customary in all cases of contract work, to insure the fulfilment of the undertaking; but they finally agreed to pay once a week on demand a sum not exceeding 50 per cent. of the wages due, over and above one week's earnings at the time of the demand. Where contract work is the rule, as in the building trades, workmen and sub-contractors often experience some difficulty in securing their earnings. A Workmen's Lien Act was passed in New Zealand to remedy this evil, which provides that a workman doing work

(1) Report of Royal Commission on Strikes, New South Wales, 1890, Appendix, pp. 26, 27. Report of Intercolonial Trades Union Congress, 1884.

(2) Report of Royal Commission on Strikes, New South Wales, 1890, pp. 27, 28. "Strikes and their Cure," 1888, pp. 8, 11, 12.

(3) Robinson, "Direct Representation in Parliament," 1892. Report of Royal Commission on Strikes, New South Wales, 1890, Précis, pp. 36, 235, 271. Spence, "Ethics of New Unionism," 1892, p. 6. Charleston, "New Unionism," Lecture, 1890. "Times," December 9th, 1892.

(4) Report of the Royal Commission on Strikes, New South Wales, 1890, Précis, pp. 1, 18, 25, 120; Appendix, p. 2. Report of United Trades and Labour Council, South Australia, 1890, p. 3.

on any land or building should have a lien on that land or building equal to the amount of his wages. Sub-contractors were empowered to deduct money due to them from any money payable to the contractor. The Act gives the first claim to the workman, the second to the sub-contractor, and the third to the contractor. If no notice of a claim is given, the employer may retain one-fourth of the payment due for a time not exceeding thirty-one days after the completion of the contract. Claims for sums not exceeding 200*l.* may be enforced in the district courts, and provision is made for the sale of land and chattels sufficient to satisfy them.(1)

Method of payment and conditions of employment.

Wages are for the most part paid in money in Australia, so that abuses such as arose under the "truck system" are of rare occurrence; but in some cases the nature of the employment is such that food and shelter have to be provided for the employés. In these cases complaints are not infrequent. Amongst sailors it is said that an allowance of so much a head is made to the steward or the captain for victualling the ship, and that the sailors and steerage passengers are stinted in order to provide well for saloon passengers, or to make a profit. Firemen also state that their quarters are "unfit for human habitation," and that they cannot eat the food served to them when they come exhausted out of the engine-room. Even the marine officers complain of inadequate accommodation, and state that one small room has often to suffice for three men. Shearers are aggrieved at the quality of their food as well as at its price, though the latter has now been fixed at 10 per cent. above the cost price. Butchers' assistants, who live on the premises, are provided with food by their employers, but usually pay rent. One of them stated in evidence before the Queensland Commission on Shops and Factories that he lived on the premises, and that he paid 10*s.* out of 35*s.* wages. He further stated that the food and accommodation in some establishments were "very rough." Bakers are also frequently "boarded in." In Queensland they tried to abolish the practice, but, in spite of its prohibition by the union, employers have not entirely abandoned it. One baker examined by the Queensland Commission stated that he was compelled to sleep on the premises, since his wages were only 1*l.* to 25*s.* in addition to this accommodation. The sleeping-place was clean, but "right among the horses." A New Zealand "Truck Act," dated April 1891, provides for the payment of wages in money only. If an advance is made, no interest is to be deducted, and wages are to be paid at least once a month if demanded. No contract in contravention of this Act will be held legal. In any suit for wages the defendant employer may not claim any reduction in respect of goods received by the plaintiff, nor may an employer maintain any action in court in respect of goods supplied to a workman on account of wages. Wages may be paid by a cheque, draft, or order with the workman's consent, but, if it be dishonoured, he may recover damages. The only exceptions to this Act are in the case of contracts to supply medicine and medical assistance or materials and tools, or to supply the necessaries of life to men in the bush for a period of two months, or to supply provender for horses, or food prepared under the employer's roof, or money to be contributed to an insurance or provident fund. Nor does the Act apply to seamen or agricultural labourers.(2)

Fines and deductions.

In some trades the system of fining is extensively carried on. Printers in New Zealand complain that a fine of 9*d.* was often imposed if the employés came late, although they might have been at work for long hours the night before. In some cases boys were kept at work for thirteen or fourteen hours in one day. Again, defective work was punished by fines; in one case a boy was made to pay 1*l.* 13*s.* for defects, alleged to have been due to the bad ink supplied by the employer. On another occasion, when an accident occurred, time was deducted both from the man to whom it happened and from another who went to his assistance. Again, two boys engaged in the same establishment were fined 10*s.* each for running round a room and knocking down a paring stone, whilst a girl was fined 6*d.* for putting two covers on a pamphlet. In the shipping trade it was customary to hold stewards responsible for losses on board; but as ships often sailed before the steward had time to go through the stores, he might find himself held liable for articles which were missing before he took charge, or again be charged for worn-out articles as if they were new. It has now been agreed that only half the charge should be borne by the steward. In the pastoral industry the custom of "raddling," or refusing to pay for badly-shorn sheep, prevails, according to the shearers, to a large extent; but pastoralists affirm that the extent to which it is practised has been greatly exaggerated, and that it is necessary to have some check on the men. The shearers also complained of the existence of a system of "second price" whereby men were dismissed before the shearing was over on the plea of bad work with only a per-centage on wages. It is now arranged that a discharged shearer must be paid in full for all sheep shorn, less 18*s.* a week for board and lodging.(3)

Insurance funds.

Deductions from wages are sometimes made on behalf of an "accident fund," but this practice meets with the disapproval of employés, who are able to support a fund of their own, and who regard the practice of compulory insurance as an attempt to evade the provisions of the Employers' Liability Acts. For instance, the miners at Maryborough, Victoria, formed an association of their own, and then refused to contribute to the company's fund, on the ground that their own society afforded greater advantages. A similar fund was established by employers in the carpentering trade of Sydney, and refusal on the part of the men to contribute brought about dismissal. The men complained that they were kept in ignorance of the conditions of the fund, and might be continuing to pay instalments on their policy, when it had really matured.(4)

Notice required for the termination of wage contracts.

By a Tasmanian Masters and Servants Act, any labourer, mechanic, or artisan working for hire, any apprentice or any domestic or farm servant misconducting himself or breaking his contract may be tried before two justices of the peace, and fined not more than 10*l.* Cases of assault, violence, or disorderly conduct are punishable by a fine of 20*l.* or three months' imprisonment. Servants or labourers may in like manner sue their employer for wages before the justice of the peace, who can order the payment of the sum due, as well as 5*l.* in addition as compensation. Where an employer advances money, the servant must not leave him until the debt is discharged. If the term of service be indefinite, it can be terminated with a week's notice where wages are paid weekly; the notice must be a fortnight, if they are paid fortnightly, and a month if they are paid at longer intervals(5).

8 Hours. Normal hours of work.

Strikes to obtain a reduction of hours are less frequent in Australia since the eight hours' day has been secured in most industries by agreement between the particular unions and the employers. The Newcastle Colliery Engineers, however, secured it by means of a strike, and the same method was employed by the employés at the Lithgow pottery works and in some other industries.(6)

The first formal recognition of an eight hours' working day took place in connexion with the settlement of Otago in New Zealand, by the New Zealand Company, in 1845, when the Rev. Thomas Burns prevailed upon the Company to make provision for an eight hours' working day. This rule was at first carried out, but Mr. Fox, the Company's agent, declared that the Scotch working day of ten hours should be observed in the new country, and succeeded in compelling roadmaking and surveying parties to work between nine and ten hours a day for 3*s.* Many private employers, however, adhered to the eight hours' day. When the New Zealand Company became bankrupt, a Constitution was granted to Otago, and the observance of the eight hours' day became general in the colony. Its recognition throughout Australia is mainly due to the perseverance of the members of the Victorian Operative Stonemasons' Society, who set the movement on foot in Melbourne in February 1856. They were led by a mason named James Stephens, who is said to have been amongst the first to suggest the eight hours' day, though the Sydney masons claim that an eight hours agitation began amongst them in October 1855. Be this as it may, it is certain that they met with little success until the sister colony of Victoria

(1) Official Statement of Pastoralists' Federal Council, Appendix N. Text of Workmen's Lien Act, New Zealand.
(2) Report of Royal Commission on Strikes, New South Wales, 1890, Précis, pp. 163, 164, 169, 170. Report of Royal Commission on Shops and Factories, Queensland, 1891, pp. 111, 255, 256. Official Statement of Pastoralists' Federal Council, Appendix, p. 20.
(3) Report of Royal Commission on Strikes, New South Wales, 1890, Précis, pp. 28, 43, 45, 50, 61, 62, 77, 162, 163. Official Statement of Pastoralists' Federal Council, Appendix W.
(4) Report of Royal Commission on Strikes, New South Wales, 1890, Précis, pp. 25, 279.
(5) Text of the Masters and Servants Act, Tasmania.
(6) Report of Royal Commission on Strikes, New South Wales, 1890, Précis, p. 93.

had in the following year set a successful example, and even at the present day (1892), the greater strength of Victorian labour organisations causes the eight hour rule to be less frequently broken. In February 1856 the first formal meeting for reducing the hours of labour was held by the Masons' Society of Melbourne. Three weeks later they passed a resolution that the eight hours' system should begin on March 24th, but at the request of the employers, they postponed the matter for a month. A public meeting was held on March 25th, at which representatives of other branches of the building trades spoke, and the scheme was taken up warmly. During the month of April many meetings were held on the subject in Victoria. Several societies advocated the system on the ground that it would give work to an additional number of men; others supported it because the climate of Victoria did not allow of such long hours of work as that of England. Two medical men corroborated this view at a meeting held on April 11th and presided over by the Mayor of Melbourne, which passed the following resolution. "That this meeting is of "opinion that the enervating effects of this climate, "the advanced state of civilisation, the progress of the "arts and sciences, and the demand for intellectual "gratification and improvement, call for an abridg-"ment of the hours of labour." On the 21st of April, 1856, the masons and members of the building trades generally, to the number of 700 or 800, kept holiday and marched in procession through the town to emphasize their determination to work no more than eight hours. Nearly all the contractors of Melbourne acquiesced in the new arrangement. An attempt on the part of one to reduce daily wages from 15*s.* to 13*s.*, nearly led to a strike; but eventually the men accepted a reduction of 1*s.* Those who took part in the demonstration of the 21st of April, 1856, formed themselves into the Victorian Eight Hours' Pioneers' Association, and endeavoured to extend the movement as much as possible. Gradually other trades unions than those connected with the building trades took up the matter, and in the majority of cases have been successful in securing an eight hours' day for their members (1).

In December 1890, a return of the hours of work in the different colonies was ordered by the British House of Commons. This return is based upon the general custom of the trade, and cannot, therefore, make allowances for the overtime worked in some establishments. In Western Australia there are no laws or regulations affecting the hours of work, and consequently no return was made. In New South Wales hours of work are usually regulated by the trade unions, and the return shows that for iron-workers, men employed in the building trades, carpenters, joiners, stationers, printers, seamen and wharf labourers, the nominal hours are forty-eight a week. Leather workers average from fifty to fifty-four hours, employés in woollen and cloth manufactories sixty, employés in the clothing trades from fifty to sixty, bakers fifty, butchers seventy, grocers' assistants sixty, and masters or engineers of harbour boats ninety a week. No definite hours are fixed for domestic servants, agricultural labourers, barmen and barmaids, or engineers of vessels. The shortest hours are worked by miners and by City municipal employés, whose working time is only forty-four hours a week.

In New Zealand, hours are fixed partly by law and partly by the action of the trades unions. Where the unions have determined them they are eight a day, except in the case of bakers, who work ten. The Employment of Females and Others' Act of 1881 prohibited women from working in factories, workshops, or places of business between 6 p.m. and 8 a.m., or more than eight hours in any one day. It also forbade the employment of women for more than 4½ hours without an interval of at least half an hour for refreshment. The Coal Mines Act provides that no person in charge of steam machinery used in connexion with a mine, or for the treatment of the products of any mine, shall be employed for more than eight consecutive hours at a time, exclusive of the time occupied in raising or exhausting steam, and of meal times. An Eight Hours Bill, now before the New Zealand Parliament (1892), constitutes eight hours between 8 a.m. and 5 p.m. a day's work, and forty-eight hours a week's work, and provides that when a contract is made for more than eight hours work, a special stipulation must be inserted and a special rate of payment fixed for the time beyond the first eight hours. More than eight hours are not to be worked when other competent operatives can be procured, and no employer may dismiss a workman for refusing to work more than eight hours, unless a special contract has been made. The Bill further secures a weekly half-holiday to domestic servants, and provides that no child under thirteen may be employed for hire, and that no person under eighteen may be required to work more than eight hours a day. Seamen and domestic servants are not included in the scope of the Bill.

In Queensland there are no legal restrictions on hours of work, but in the Government workshops connected with the railway department the employés only work forty-eight hours a week. The return gives the hours of work as from eight to twelve a day for bakers and printers on five days a week, with five for printers on Saturday and from sixteen to twenty for bakers. Biscuit makers, bootmakers, and tailors work from eight to nine hours, barmen from fifteen to seventeen, and barmaids fifteen hours a day. Butchers work from thirteen to fourteen hours, dressmakers, milliners, and photographers eight, tailoresses seven to eight, restaurant attendants eleven, and watchmakers and jewellers from seven to eight. There are no returns for Victoria, Tasmania, or South Australia, but the Shops and Factories Act of Victoria, 1885, limits the hours of women and children to eight, and the eight hours' day is usual in all industries except the shipping and clothing trades, and amongst wharf labourers or shop assistants. The latter class of workers are still struggling throughout the colonies to obtain the shorter day by means of their unions. In South Australia there is an Eight Hours' Celebration Union, whose members provide for an annual demonstration on September 1st, and aim at making eight hours universal. (For further details as to hours, see under "Conditions of Labour in Certain Special Industries.") (2)

Overtime and holidays.

The question of payment for overtime and for work on Sundays and holidays has caused many disputes. It is now laid down by most unions, and recognised by most employers, that eight hours constitute a day's work, and that anything beyond that is to be paid at the rate of a time and a quarter. In the iron trade this custom is universal, and amongst miners no regulation is necessary, as no overtime work is required. Wharf labourers have fixed from 7 a.m. to 5 p.m. as a day's work, to be paid for at the rate of 1*s.* an hour, but for all work between 5 p.m. and 7 a.m. they ask 1*s.* 6*d.* an hour. The holidays to be observed, and the rate of payment to be required by men working on holidays are also fixed by the unions. The days universally recognised are Christmas Day, New Year's Day, Good Friday, Eight Hours' Day, and the Queen's Birthday. No work is to be done on these days unless absolutely necessary, and any such work is to be paid at the overtime rate. These regulations are for the most part recognised voluntarily by employers; in New Zealand such recognition is compulsory by the terms of the Factory Act. A difficulty arises when some union proclaims a holiday not universally recognised; for instance, the wharf labourers add January 26th, Easter Monday, the Prince of Wales's Birthday, and Boxing Day to the regular list, and in 1890 had a dispute with their employers on the question. In 1886 a dispute as to the observance of Eight Hours Day caused the breach of an agreement between the Steamship Owners' Association and the Federated Seamen's Union. On this occasion a steamship laden with fruit and live stock was ordered to sail from Sydney to Hobart Town, but after the cargo was on board the union ordered the seamen to leave the vessel, in spite of their desire to obtain the holiday pay, and refused to submit the matter to the Board of Conciliation.(3)

3. Difficulties between unionists and non-unionists. Conflicting views of employers and of employed.

By far the most pressing difficulty in Australasia arises from the struggle of employers to secure freedom of contract and the counter endeavour of the majority of the employed to enforce the recognition of the principles of unionism. Employers, who profess to regard the matter from the point of view of abstract justice, maintain that the rights of the free labourers deserve consideration and that no man ought to be forced to curtail his liberty by joining a union, which often requires an entrance fee beyond his means. They are, therefore, determined to resist attempts on the part of the unions to compel them to reject non-union labour. Unionists, on the other hand, urge that labourers are

(1) "The Origin of the Eight Hours' System at the Antipodes," H. H. Champion, "Economic Journal," March, 1892.

(2) Parliamentary Return of Hours of Adult Labour (Colonies), 1890, pp. 4, 7, 12, 15. Text of Shops and Factories' Act, Victoria, 1885, and Eight Hours' Bill, New Zealand, 1892.

(3) Report of Royal Commission on Strikes, New South Wales, 1890, Appendix, pp. 2, 5, 36. New Zealand Factories Act 1891.

forced to unite for their own protection, that such union is productive of advantages in which non-unionists share without bearing their part of the cost, and that to place such persons on an equality with themselves as regards chances of employment would be nothing less than suicidal. Consequently the history of recent strikes in Australia is little more than a series of attempts on the part of the unions to prevent the employment of non-unionists, and on the part of the employers to replace union by free labour. These attempts culminated in the great strikes of 1890 and 1891 (*see* p. 27), since which the power of the unions has declined(1).

Number of strikes.

Mr. Spence stated before the Royal Commission on Strikes, New South Wales, that he was cognisant of thirteen strikes to resist attacks on unionism. Strikes to prevent the employment of non-unionists have seldom been successful, owing to the large number of unemployed ready to fill the places of the strikers, and to the powerful combinations of employers organised after the model of the unions. On the other hand there have been several instances of successful strikes to secure the right to form a union. A hundred miners were locked out at Bethanga in Victoria for ten weeks because they endeavoured to form an association, but the employers were finally obliged to give way. In the Lithgow Pottery Works, New South Wales, the men formed a union in order to secure shorter hours, and a lock-out resulted. It was stated before the Royal Commission on Strikes that "the great and primary cause of the "strike was the objection on the part of the proprietors "to the men forming themselves into a union." A similar dispute took place on the formation of the Fellmongers' Association of Botany, and since the strike of 1890 the Union Steamship Company have refused to employ members of the Seamen's Union. In 1890 some members of the Boilermaker's Society came from Melbourne to Adelaide, but refused to work with the non-unionists employed there; in this case the matter was compromised. Again, members of the Stonemason's Union in Sydney refused to work for a contractor who employed one non-unionist workman, with the result that the contractor engaged sufficient non-unionists to finish the undertaking. The opposition of employers to the labour organisations has been especially shown in dealing with unions amongst women (*see* p. 21), and the determination on the part of the organisations to force recognition from the employers found its best exemplification in the strike amongst wharf labourers, seamen, miners, and shearers in 1890 and 1891 (*see* p. 27). The failure of this strike brought a corresponding diminution to the strength of the unions, the free labourers engaged during the strike continued to work with the unionists, and several witnesses before the New South Wales Commission on Strikes stated that they had now little fear of causing difficulties by employing non-unionists.(2)

4. Apprenticeship.

A large number of unions have interfered to prevent the employment of a disproportionate number of apprentices, which has constituted a grievance in many industries. The introduction of machinery has enabled women and boys to perform a large part of the work formerly performed by men, and the unions are of opinion that, if the number of apprentices were limited, the wages of men would be increased, whilst they would be able to keep their own sons longer at school and to give them a better start in life.

In the railway service.

In 1890 the railway employés of New Zealand protested against the excessive employment of boys, and requested that no one should become a cleaner below the age of eighteen, or a fireman below that of twenty-one, and that the number of boys in each shop should be limited. They further asked that not more than one boy porter should be employed for four adults, and that after five years' cadetship a youth should become a clerk on a minimum salary of 110*l*. In proof of the existence of the evil they stated that at Dunedin twelve boys were employed in the smiths' department to eleven adults, nineteen boys in the fitting shop to nineteen adults, and six boys in the boiler-making department to five adults. The Railway Commissioners granted their requests.(3)

In the printing trade.

Besides the injury done to an industry by the excessive employment of juvenile labour, the unions hold that under existing conditions very little effort is made by employers to teach these apprentices their trade. The boys are simply employed as long as they will work for apprentice wages to save the higher rate which would have to be paid to an adult, and when there is no further use for them they are turned adrift to make way for new learners. This is especially the case in the printing trade, where boys are largely employed, but where they are seldom kept on as journeymen when the apprentice stage is passed. In the *Queensland Times* office in 1891, ten out of forty hands were apprentices earning from 8*s*. to 1*l*. a week; but the usual rate for boy compositors is 10*s*. a week for the first year and a rise of 5*s*. a week for each succeeding year. To remedy this evil the Sydney Lithographic Society and the Australian Typographical Society have rules limiting the number of apprentices in the trade, and the South Australian Typographical Society obliges all apprentices to be legally bound for not less than six or more than seven years, and does not allow an apprentice to complete his time before he is twenty-one years of age. It recognises two apprentices in each jobbing office, and an additional one for every three journeymen employed until there are seven apprentices. After that there must only be one for every five journeymen.(4)

In the clothing trades.

It is the exception for apprentices to be properly indentured in the clothing trades, except under first-class tailors, though even when not indentured they call themselves apprentices. Boys working for tailors earn 2*s*. 6*d*. a week for six months, and afterwards 5*s*. or 7*s*. 6*d*. Girls often work at tailoring or dressmaking for six months without any remuneration, and then receive 2*s*. 6*d* a week with a further rise of 5*s*. later on; no girl apprentices receive more than 10*s*. a week, and very often after a few weeks in one shop they are taken on at another as "improvers," though they are utterly unqualified. In consequence there is a lack of competent employés in the tailoring and dressmaking trades, and a superabundance of those who are incompetent. One tailor stated in evidence before the New South Wales Commission on Strikes that in Australia there is no guarantee that a man has learned his trade; and that much injustice is done to apprentices by this failure to train them, while masters engaging workmen have no way of proving their competence. Another tailor stated that apprentices are put on piece-work too soon, to their own immediate advantage as regards wages but to the ruin of the trade. It was also stated in evidence before the Royal Commission on Sweating, New Zealand, that for fifteen years there had been a tailors' union, with the exception of one period of two years, during which the excessive employment of boy labour became so common that an establishment, which had previously employed twenty-three men, afterwards employed five men, five boys, and two improvers; whilst in another establishment one man worked with twelve boys. All tailors and tailoresses would unite to put down this practice but for the opposition of the employers; as it is the tailoresses' union limits the proportion of apprentices in any one shop to one for ten adults.(5)

In the watchmaking industry.

Apprentices to the watchmaking and jewellers' trades must pay a premium of 100 guineas, which limits their number. They are indentured for five years, and receive 5*s*. a week the first year, with a rise of 5*s*. in each succeeding year.(6)

In saddlery.

A very large number of boys are employed in saddlery; in Auckland there were six shops in 1890 employing in all eighty-three boys, four girls, and twenty-seven men. Boys receive on an average 7*s*. 6*d*. a week, and most of them are not indentured; they are simply taken on for a time at busy seasons and do not really learn the trade. Men earn about 2*l*. a week, but wages show a tendency to fall owing to the employment of the boys. An employer gave evidence before the New Zealand Sweating Commission to the effect that, after boys have been a short time at work, they demand an increase of wages, and if it is refused set up in business on their own account, and take away trade from good workmen.(7)

(1) Report of the Commission on the Sweating System, New Zealand, 1890, p. 10. Report of Royal Commission on Strikes, New South Wales, 1890, Précis, pp. 25, 131, 134, 240. Appendix, pp. 36, 173.
(2) Report of Royal Commission on Strikes, New South Wales, 1890, Précis, pp. 15, 16, 37-39, 93, 136, 245, 277; Appendix, p. 27. Official Statement of the Pastoralists' Federal Council, p. 7. Report of United Trades and Labour Council of South Australia, 1890, p. 2.
(3) Railway Employés: Correspondence concerning conditions of their employment, pp. 1, 3, 5, 10, 13.
(4) Report of Royal Commission on Shops and Factories, Queensland, 1891, pp. 246, 323, 342. Report of Royal Commission on Strikes, New South Wales, 1890. Appendix, p. 46.
(5) Report of the Government Statistician, New South Wales, 1891-2, pp. 7, 9, 11, 14. Royal Commission on Employés in Shops, Victoria, 1883, Final Report, p. 138. Report of Royal Commission on Sweating, New Zealand, 1890, pp. 10, 39, 54.
(6) Report of Royal Commission on Shops and Factories, Queensland, 1891, p. 207.
(7) Report of Royal Commission on Sweating, New Zealand, 1890, pp. 59, 78.

In boot and shoe-making.

In the boot and shoe-making industry boys are supposed to be indentured, since this industry is highly organised and limits the number of apprentices; nevertheless they often throw aside their indentures, and there is no systematic method of teaching them their trade. They wait on the other workers at first, and receive from 2*s*. 6*d*. to 15*s*. a week, according to the time they have been employed. Girls enter the trade as "tiers off," to fasten off ends and paste the parts together; they receive from 3*s*. to 10*s*. a week, and their term of probation is from three to four years. In 1870 the bootmakers of Sydney struck for thirteen weeks because boys out of their time as apprentices were not at once given rank as journeymen. Though the rule of the union is one apprentice to three journeymen it is not strictly followed, and in 1891 a factory proprietor, who had an excess, was asked to reduce the number. He refused and was supported in his refusal by the masters' association; the union declared the shop "black," and a deadlock seemed imminent, when the union gave way on condition that the rule should be observed in future. The operative Bootmakers' Union of South Australia have resolved that all boys employed in factories should be apprenticed, that the apprentices should be in the number of one boy to ten men, and that if the apprentice be under fifteen when he begins to work he shall serve five years, and if over fifteen four years. A firm, already well known in Victoria as employers of boy labour, established themselves in Adelaide in 1891, but when they attempted to carry on their business on the old lines the union protested and, as the proprietors refused to refer the matter to the permanent board of arbitration provided by the union, all unionists were ordered to leave the establishment.(1)

In the building trades.

The Building Trade Union have endeavoured to limit the number of boys employed and to insist that they shall be properly taught. The Bricklayers' Trade Society limit the number of apprentices to one for each employer, and fix the term of apprenticeship at four or five years; sons of bricklayers may learn and practise the trade without apprenticeship.(2)

In the pastoral industry.

The Shearers' Union have protected themselves by limiting the number of apprentices, but the pastoralists state that the supply is not adequate to the demand, and that they are greatly inconvenienced.(3)

C.—Development, Organisation, and Conduct of Strikes.

1. Influence of the trade unions.

Strikes in Australasia are almost entirely directed by the officers of the trade unions and the associated trades. An independent strike amongst unorganised workmen is a thing unheard of, and from lack of funds would have little chance of success. The excellent discipline maintained by the unions ensures the obedience of their members, and there is no record of a failure on the part of the men to come out on strike when ordered by their officers. The progress of the labour organisations towards federation has greatly increased the number of sympathetic strikes, but it has brought with it corresponding disadvantages to the strikers, since a wide-spread suspension of industry and the public inconvenience which it entails are apt to alienate popular sympathy, and the strain upon the funds of the federation, when a number of unions strike together, is often too severe to be withstood. Add to this, the presence of a large number of men unemployed to take the places of the strikers, and it is clear that, in spite of the strength of the unions, many of the conditions of a successful strike are frequently absent in Australia.(4)

2. History of the great strike of 1890.
a. Case of the shearers.

The great strike of 1890, which paralysed Australian industry from August to October, originated in a difficulty between the pastoralists and the shearers touching the conditions of shearing. The pastoralists desired to conduct their industry according to rules of their own, whilst the shearers, on the other hand, had determined that none but union labour should be employed. In 1887 the Shearers' Union first endeavoured to enforce their rules, and by 1889 relations between them and the pastoralists had become greatly strained. In that year a sub-committee of the Pastoralists' Association of Queensland met a sub-committee of the Shearers' Union at Blackall, and drew up an agreement, which was, nevertheless, rejected by the annual meeting of the Queensland Shearers' Union in January 1890. The pastoralists, therefore, made private contracts with shearers for that season, but were alarmed by an announcement made at Young, in May, by the president of the Amalgamated Shearers' Union, that the shipment of wool shorn by non-unionists would be blocked. With some difficulty they entered into special agreements with the shipping companies for the shipment of their wool. In June a conference of shearers and pastoralists met at Pittsworth to try and settle the matter, and an agreement was drawn up only to be repudiated by the Shearers' Union as a whole. In July the shearers issued a manifesto, which led some of the pastoralists to agree to employ unionists only, and induced certain shipping companies to declare that they could only ship a small quantity of non-union wool. Further conferences were proposed and attempted at Armidale and Scone in August, and the president of the Shearers' Union held an interview with the secretary of the Pastoralists' Association in Sydney, but without result. The pastoralists asked that they should be allowed to shear under their own agreements at least for that season, but this was refused by the shearers, and as neither side would give way, all attempts at a settlement proved a failure.

b. Case of the wharf labourers.

On the day on which this deadlock was announced (August 8th) a resolution was received from the Wharf Labourers' Union to the effect that they had pledged themselves to support the cause of unionism by refusing to handle wool shorn by non-unionists. A number of unions which desired to show their sympathy with the shearers had formed a strike committee, and decided to call out the wharf labourers on the 18th August. According to the statements of the men, notices were posted on the wharves before that date for free labourers at 12*s*. a day, and this action on the part of the employers brought about the crisis.

c. Case of the seamen and marine officers.

Difficulties had also arisen in the shipping trade quite apart from the shearers' dispute, owing to the discharge of a fireman named Magan from the steamship "Corinna." The unionists attributed his discharge to the fact that he was a delegate of the Seamen's Union, and called upon the employers for a conference, which was, however, refused. Great discontent had for some time existed amongst the marine officers, owing to the lack of accommodation on board ship. In June 1890, they laid their complaints before their employers, and were promised a conference. In July, however, they were informed that no conference could be granted unless the marine officers of Melbourne broke off their connexion with the Trades Hall Council, and those of Sydney withdrew their application for affiliation with the Trade and Labour Council. It was alleged by the employers that affiliation with labour councils, and consequent meeting on equal terms with their subordinates, would destroy discipline on board ship, but the unionists regarded this action on the part of the employers as an attack upon their organisations, and all negotiations were broken off.

d. Conduct of the strike.

In August, therefore, the marine officers struck work, the wharf labourers came out a few days later followed by the seamen and draymen, the Newcastle miners were locked out for refusing to hew coal which they believed to be intended for employers engaged in the strike, and in September the shearers were ordered to join the others. The strike spread from Victoria to New South Wales, Queensland and New Zealand, and there was a general cessation of trade. A labour defence or strike committee had been previously formed at a meeting held in Sydney on August 11th, consisting of representatives of the Federated Seamen's Union, the Cooks and Stewards' Union, the Wharf Labourers' Union, the Coal Lumpers' Union, the Trolly and Draymen's Union, the Shearers' Union, the Maritime Council, and the Trades and Labour Council. A branch committee was also formed in Melbourne. The Mayor of Sydney and other gentlemen offered their services as mediators, but for some time with no success. The efforts of labour leaders were at first directed to keep other bodies of men, such as the gas-workers, from joining the strike, because they feared that the funds would prove inadequate if any addition was made to the number of strikers. 800 men, divided

(1) Report of Royal Commission on Strikes, New South Wales, 1890, Appendix, p. 148; Précis, p. 256. Report of the Government Statistician, New South Wales, 1891-2, p. 7. Report of United Trade and Labour Council, South Australia, 1891, p. 2. Rules of the Operative Bootmakers' Union.

(2) Report of Royal Commission on Strikes, New South Wales, 1890, Précis, p. 216.

(3) Report of Royal Commission on Strikes, New South Wales, 1890, Précis, pp. 63, 82.

(4) "Strikes and their Cure," New South Wales Employers' Union, p. 6. Report of Royal Commission on Strikes, New South Wales, 1890, Appendix, p. 26.

into gangs, were, appointed to watch the wharves of Sydney, relieving each other every four hours; but in spite of their efforts many non-unionists reached the wharves, and were there provided with food and shelter that they might avoid passing the pickets. The unionists were, however, successful in stopping almost all the steamer traffic, and agriculturists were prevented from disposing of their produce. Food became very dear in consequence, and butter rose to as much as 2*s*. 9*d*. a pound. It soon became evident that unless special precautions were taken, great disorder would ensue, and additional police were therefore drafted into the large towns, beginning with Brisbane. It was in Newcastle that the first disturbance occurred. Here a dray of flour belonging to an unpopular employer was upset, and an attack was made upon the wharves of the Australian Agricultural Company, which was repelled by the police. Special constables were sworn in to the number of 700, and notices posted warning people that intimidation and interference with men engaged in lawful occupations was punishable by law. In New Zealand a run for gold was made on the banks with the view of preventing bankers from assisting employers. As the strike went on, the indignation of the unionists was continually increased by the sight of vessels loading with the help of non-unionists, and the free labourers were constantly assaulted when at work, or on their way thither, in spite of the protection afforded by additional police. On September 2nd, a gang attempting to unload the "Chemnitz" were so severely handled that they were obliged to leave work, and on the next day a party of free labourers returning from work were attacked in the streets and some of them seriously injured. In consequence of this organised intimidation carting through the streets was entirely stopped, and it became necessary for all labourers engaged to sleep on the wharves. In order to break the blockade several wool brokers secured volunteer drivers, and on September 19th nine trollies started from the Darling Harbour Yards with a guard of mounted troopers and police. A dense crowd gathered and a fight ensued, in which the drivers and some of the troopers were wounded. The trollies at length reached the Circular Quay, but there the disorder became so great that the Riot Act had to be read, and the crowd dispersed by means of the cavalry and the police. The labour leaders declared that the attempt to carry the wool was an ostentatious procession certain to provoke assault, but they attributed the attack, as well as the violence displayed on other occasions, to the unorganised mob and not to the unionists. After the attack upon the trollies such disturbances gradually ceased, and the rioters who had been arrested were sentenced to imprisonment with hard labour for terms varying from a few days to three weeks. In Queensland the strike was less serious than in Victoria and New South Wales, because the Queensland Labour Federation ordered the execution of all existing contracts, and the shearers returned to work after being out only one week. In other trades it was found possible after some difficulty to obtain non-union labour, and by October the strike was practically at an end throughout the colonies.(1)

3. History of the Shearers' Strike of 1891.

In 1891 the shearing difficulty was renewed in Queensland and New South Wales, and a strike of much longer duration took place. At the end of 1890, the various Pastoralist Unions became federated and drew up an agreement, which was rejected by the Shearers' Unions in January 1891. The pastoralists, in consequence, procured free labour, and the Queensland shearers went on strike for a period of five months. In June the Shearers' Union of New South Wales refused to accept the pastoralists' agreement, and resolved by ballot to take no part in shearing unless the employers would consent to dispense with free labour. This the employers refused. Victoria remained unaffected by the strike, and in South Australia a conference was called between the two unions, which decided to allow the use of free labour. In Queensland the shearers were enabled to hold out for five months by establishing free camps in the bush, where the men on strike could be maintained at the minimum of cost. Their funds were augmented by contributions from other districts and colonies, especially from South Australia. No measures were left untried to prevent the importation of free labour from Victoria. "Obstacles were placed in the way of trains, bridges were weakened, armed mobs of men travelled about the country burning and destroying the property of the pastoralists." It was soon found necessary to call out the volunteers, and to draft troops and police to the disturbed districts to protect labourers on their way to work against the unionist patrols who watched the borders of Queensland and New South Wales, and to secure the property of the pastoralists. At Augathella it was found necessary to read the Riot Act, and twenty-one men were arrested on charge of arson and conspiracy. In many places the grass was fired, fences destroyed, and attempts made to burn sheds and houses; whilst at Barcaldine a thousand armed men were encamped, and incendiarism was openly advocated. The correspondence found in the office of the strike committee shows that organised bodies of strikers were told off to arrest free labourers and bring them to the camp. Armed resistance to the Government was advocated as preliminary to a general revolution throughout Australasia, and attempts were made to bring the railway servants, and even the military, over to the side of the strikers. Throughout March, April, May, and June arrests were frequent. Meanwhile, shearing was carried on by means of free labour, and since the strike could not accomplish its objects and funds were exhausted, it was declared off on June 15th. In New South Wales, where the shearing season falls later, many attempts were made to prevent the employment of free labour, but in spite of intimidation and violence, men were despatched from Sidney and Melbourne, and the work was accomplished. The pastoralists, in their official statement, state their opinion that the failure of the strike shows clearly that unionism cannot overcome federation on the part of employers.(2)

4. Strikes amongst miners.

Strikes amongst miners have for the most part terminated favourably to the strikers. Mr. Spence, in his evidence before the New South Wales Commission on strikes, stated that out of twenty-nine strikes of which he was personally cognizant through his connexion with the Amalgamated Miners' Association, only one had terminated adversely to the Association. These strikes included three for shorter hours, thirteen against reduction of wages, and two against the employment of Chinese labour. In 1890 a serious strike took place at the Grey Valley Mines, New Zealand, owing to a dispute about the wages of the hewers. They had formerly received 4*s*. a ton of "screened" coal (coal separated from slack and waste) and now demanded 2*s*. 10*d*. a ton for unscreened coal. The Company were bound under heavy penalties to fulfil certain contracts, and therefore agreed to the change, but on finding subsequently that the mines were being worked at a loss, it proposed a reduction. Though the necessity of this reduction was proved by an inspection of the Company's books, the men would not accept it. The Company applied to the Government for release from the payment of a royalty of 6*d*. a ton due from them, and for free freightage on the railways; but these requests were refused and they thereupon stopped work. Negotiations were initiated at a general Labour Conference at Wellington, where the miners were represented, with the result that the hewers agreed to cede 2*d*. a ton permanently and 3*d*. pending the preparation of a report, on condition that no coal should be supplied to the steamers of the Union Steamship Company, then engaged in the maritime strike (p. 27). This steamship company had shares in the Grey Valley mines, and also a prior claim to the freightage of the coal. When, therefore, they had manned their vessels with free labour and resumed work, they claimed their supply of coal, and notice was accordingly given to the miners. Upon this the miners stopped work by order of the Amalgamated Miners' Labourers' Association. As no settlement could be arrived at, the Company obtained the services of 120 free men at 12*s*. a day; but negotiations were then begun by one of the miners, which ended in an agreement to receive back any strikers who would apply in person for reinstatement. At the same time the Company agreed in six months' time to convert the payment of 12*s*. a day into one of 2*s*. 3*d*. a ton of unscreened coal, and the request of the miners that this change might not be delayed proves that they would not have suffered greatly by the Company's proposed reduction. In consequence of the requests for special privileges mentioned above as made by this Company

(1) "Sydney Morning Herald," November 10th, 1890. Official Statement of Pastoralists' Federal Council. Report drawn up by Mr. Allan on the Shearers' Strike. Report of Royal Commission on Strikes, New South Wales, 1890, Appendix, pp. 8-19; Précis, pp. 27, 84, 130, 137, 138.

(2) Official Statement of Pastoralists' Federal Council. Report drawn up by Mr. Allan on the Shearers' Strike. "The Great Shearers' Strike," pamphlet issued by Pastoralists' Association.

to the Government, a Commission was appointed to inquire into the working of the mine, with the result that it declared the concessions unnecessary, since the company could still pay a fair wage and yet work the mines at a profit. The sympathetic strike at the Newcastle mines in 1890 has already been mentioned (p. 28).(1)

In July 1892, a serious strike occurred amongst the Broken Hill silver miners of New South Wales, caused by changes in the method of payment. The Broken Hill Proprietary Company, which is the most important of the mining companies in the locality, was formed in 1882 with a capital of 320,000*l.* It has already paid 6,216,000*l.* in dividends, but though in 1890 the value of its shares was stated to be 10,825,000*l.*, owing to the depression in the mining industry they had sunk by 1892 to 3,120,000*l.* The Broken Hill miners belonged to a very powerful organisation, which had succeeded in securing very favourable conditions of work for its members during the prosperous days of the company. Every man employed received 10*s.* a day irrespective of his skill, experience, or industry, and though the men were on duty for eight hours, it was alleged that they occupied themselves down in the mine in reading novels and newspapers, and seldom put in more than four hours' work in the day. Consequently the cost of raising a ton of silver was found to be fifty per cent. greater than if they had worked steadily during the seven and a half hours usual in Australian mines, and the managers determined to substitute a contract system for the method of payment by the day. The announcement of this determination was the prelude to a general strike. Pickets of from five to ten men were stationed round the mine at intervals of 200 yards, assaults on the officers became frequent, and for a time no provisions could be taken to the garrison of the mine, or to the houses of the managers. Two attempts were made by the strike leaders to meet the directors, but a conference was refused until the pickets were withdrawn, and to this the miners would not consent. They received the moral and pecuniary support of other trade unionists in Australia, and continued to hold out. After some weeks the company began to import free labour to work on the terms rejected by the unionists, and a special train arrived from Adelaide on September 11th, bringing a contingent of miners under a strong police escort. A large crowd was assembled at the station to receive them, stones were thrown freely, and a few shots fired, and the police were obliged to mount guard with fixed bayonets until the non-unionists had been removed to a place of safety. On the next day a hundred additional police were sent to Broken Hill, and the contingents of free labour which arrived on succeeding days were allowed to proceed to work unmolested. Many members of the union also began to accept employment on the company's terms, though a minority still held out; by November the strike had entirely collapsed. On account of the outrages committed, the Government ordered the arrest of the defence or strike committee, which was said to have incited the men to breaches of the peace. Six of the leaders were brought to trial in September 1892 on a charge of inciting to riot, and condemned to imprisonment with hard labour for terms varying from three months to two years. These sentences were received with great indignation by unionists throughout the colonies, and it was proposed to send a deputation to Sir George Dibbs, Premier of New South Wales, to demand the release of the convicted strikers. Sir George Dibbs, however, refused to entertain any such proposal, and when a deputation of members of the New South Wales Legislative Assembly actually waited upon the Minister of Justice, the Minister declined to comply with any request for the release of the prisoners. A demonstration held at Sydney also proved a complete failure. When the condemnation of their leaders was announced, the miners organised a night attack upon the non-unionists and the police, but they were repelled, and thirty-six of their number were arrested. It was estimated that the strikers lost 270,000*l.* in wages, whilst a large number were left out of employment at the end of the strike, and the mine owners emancipated themselves from the necessity of employing unionists only.(2)

5. Strikes in the building trades.

Several strikes have taken place from time to time in the building trades. At a period of depression in Sydney, the wages of carpenters were reduced from 10*s.* to 9*s.* a day; when they demanded a return to the old rate it was refused, and they struck for six weeks. Finally a conference was held, and a satisfactory conclusion was reached. In 1890 the Masons and Bricklayers' Union of South Australia secured a daily wage of 10*s.* for masons and bricklayers and 7*s.* for labourers by means of a strike, and in the same year the Sydney plasterers struck for a return to an old rate of wages. They were, however, obliged to give way, owing to the influx of new labour to take their place.(3)

6. Picketing and blacklisting.

The existence of the practice of picketing in Australia is sufficiently proved by the details already given of the strikes of 1890, 1891, and 1892. With regard to the strike of 1890, it was said by papers taking the employers' side that the majority of the draymen and trollymen of Sydney did not at all desire to leave work, but that they were compelled to do so by the strong pressure brought to bear on them by other unions, and by threats of personal violence. Again, in the case of the Queensland shearers in 1891, it was said that many joined in the strike, or were forced into the union, much against their will, and that many stole from the camp at night and made their way unobserved to some pastoralist, with whom they could find employment. The Barcaldine strike committee were arrested in March, 1891, and brought to trial at Rockhampton in May of that year, on the charge of conspiracy by threats, intimidation, and violence to induce labourers to "depart from their hire, labourers to join the union, "masters to reduce the number of their labourers, and "masters to change the description of their labourers." These acts were penal under an old statute, 6 George IV., repealed in England but technically still in force in the colonies. This Act really embodies the Common Law on the subject of threats and violence to workmen and others arising out of trade disturbances, and merely enables justices of the peace to deal summarily with such offences. The offences with which the members of the committee were charged existed, therefore, independently of the Act, and were penal at Common Law. The members of the committee were convicted and sentenced to three years' imprisonment, as well as ordered to enter into recognisances for good behaviour for another year. Other less important offenders were condemned to shorter periods of imprisonment or fined. Beyond certain charges brought against employers of discharging female employés in the clothing trades because of their connexion with labour organisations, there is little evidence of black listing in Australia, but the labour organisations are loud in their complaints of the severity of the sentences passed upon strikers, and of the partiality of magistrates in a country "ruled by wealth."(4)

D.—Cost and General Result of Strikes.

1. General results.

The Amalgamated Miners' Association have been especially successful in the conduct of strikes, and have indeed only failed in one out of twenty-nine cases. Though other unions have been less fortunate, it may be said on the whole, that in the majority of cases the strikers have succeeded in securing part, if not the whole, of their demands. In a large number of industries strikes to obtain shorter hours have been successful, and again strikes to secure the right to form a union, or to raise wages, or to limit the number of apprentices have generally succeeded. On the other hand strikes to prevent the employment of non-unionists have for the most part proved failures, and have only served to weaken the unions engaging in them. This was especially the case with the great strikes of 1890 and 1891, in which the unions were entirely defeated on the question of the employment of non-union labour. Indeed the testimony of employers is almost unanimous in declaring that since these strikes they have enjoyed greater freedom in regulating the conditions of their business than almost ever before. Mr. Gain, a stevedore, stated in evidence before the Royal Commission on Strikes, New South Wales, that since the strike he had never inquired whether a man was a unionist or not, and that he could now dismiss any defaulter without fear of losing the gang. Another employer stated that he had now complete freedom as to whom he should employ, whilst the Union Steamship

(1) Report of Royal Commission on Strikes, New South Wales, 1890, Précis, pp. 25, 26, 220. Report of Commission on Grey Valley Coal Mines, 1891, pp. 7-12. "Sydney Morning Herald," November 10, 1890.

(2) Contemporary Accounts in the English Press: "Times," September 8th, 12th, 15th, 17th, October 31st, 1892; "Leeds Mercury," November 1st, 1892; "Pall Mall Gazette," October 31st, 1892; "Echo," October 31st, 1892; "People," November 13th 1892.

(3) Report of Royal Commission on Strikes, New South Wales, 1890, Précis, pp. 93, 221. Report of United Trades and Labour Council, South Australia, 1890, p. 3.

(4) "Sydney Morning Herald," November 10, 1890. Report drawn up by Mr. Allan on the Shearers' Strike. Report of Royal Commission on Strikes, New South Wales, 1890, Appendix, p. 11.

Company have gone so far as to say that they will employ no union labour. The chairman of the Steamship Owners' Association testified that since the strike captains have found their orders more readily and cheerfully obeyed, whilst, as far as the pastoral industry is concerned, the latest shearing agreements contain no word as to the employment of non-union or union labour.(1)

2. Financial results.

But whilst the strikes of 1890 and 1891 have secured to the employers the right to control their own business, the financial results have been disastrous to the employers as well as to the employed and to the community at large. Wages were reduced in several industries, as for instance amongst seamen from 1*s.* 6*d.* to 1*s.* an hour for overtime, and the number of men employed upon vessels has been considerably diminished. Further, the shock to public confidence caused a depression of trade. The rate of interest fell, and there was no demand for money, nor any capital available to develop new industries and thus to give employment to the numbers of unemployed. The returns of the shipping companies show a decrease in trade, amounting in the case of the Tasmanian Steam Navigation Company to 25 per cent. Whereas in January and February 1890, the Australian United Steamship Company exported 13,979 tons of cargo, the amount for the same months in 1891 was only 10,717 tons. This company, together with that of Burns, Philip & Co., have laid up ten ships since the strike. A similar depression has affected the mining industry and is attributed by the manager of the Wallsend Colliery, New South Wales, to the falling off in the foreign trade. He stated that before the strike the miners averaged eleven days a fortnight in full working time but that since the strike the average has diminished to eight. Again, the manager of the Commercial Banking Company of Sydney states that since the strike a number of people prefer the comparative security of a bank with its small rate of interest to risking their savings in industrial enterprise. In short the statistics gained from the issue of notes show that the circulation of money has decreased since the strike to the extent of 1,500,000*l.* Though it is almost impossible to compute the general loss to the community, it can be estimated from the losses to individuals. These were in many cases large; in the case of one pastoralist they amounted to 2,000*l.*

On the other hand pastoralists declare that the firm attitude which they adopted during the strike of 1891 in some measure restored public confidence, and led to the establishment of a more conciliatory spirit between employer and employed.(2)

E.—Prevention and Settlement of Strikes.

1. Boards of conciliation and arbitration.

The establishment of boards of conciliation is continually advocated in Australia, though the utmost variety of opinion exists as to the constitution, methods of procedure, and functions of those boards. Mr. Bruce Smith expresses the general opinion as to the necessity of some such system when he says, "the cure for strikes "involves the bringing together the employer and the "employee and inducing them to resume that relation-"ship on terms acceptable, if not actually agreeable, "to themselves," and again, "the prevention of "strikes and lock-outs involves the joint adoption by employer and employee of some scheme of reference by "which, when such disputes arise, the relationship of "employer and employee shall not cease abruptly but "shall continue as before, the terms only on which "that relationship shall exist being meanwhile referred "to some jointly appointed and approved tribunal, "whose decision shall be binding on the parties for a "fixed time."(3)

a. Complete federation a necessary preliminary.

A number of witnesses agree that boards of conciliation will be most likely to be successful, where both industrial parties are already completely organised (*see* p. 24). In a presidential address to the Employers' Union of Victoria in 1887, Mr. Bruce Smith states that the existence of this union has greatly improved the state of feeling between employers and employed, and has led to the establishment of a board of conciliation in connexion with the Trades Hall Council, which has been the means of averting many strikes. Mr. Brennan, President of the Trades and Labour Council of Sydney, said in 1889 that the only possible way to avoid future conflict was to secure the complete federation of labour and capital. It would then be probable that the two bodies of employers and employed would come to a voluntary agreement, by which each would abide. Again, Mr. Justice Windeyer, speaking in favour of boards of conciliation before the New South Wales Commission on Strikes, says that their formation would be greatly facilitated by the complete federation of labour and capital. Mr. Lyell, a Melbourne accountant, considered that complete organisation and the better regulation of the unions would put an end to strikes, and stated that the Victorian Board of Conciliation failed, because, though it was recognised by the Trades Hall Council, it was not accepted by the subordinate unions, and the jurisdiction of the Council was not strong enough to compel their submission.(4)

b. Views of witnesses before the New South Wales Commission on boards of conciliation and arbitration.

The Royal Commission on Strikes in New South Wales, 1890, examined forty-four persons, including both employers and employed, representing the industries of sheep-raising, mining, shipping, building, tailoring, engineering, and iron-smelting. They also examined three lawyers and politicians, three journalists, one judge, one clergyman, one solicitor, one accountant, and one bank manager. Of these fifty-five persons only four declared distinctly that they considered conciliation useless, and these four included two squatters, the chairman of the Southern Collieries' Association, and a journalist of socialist opinions. They rejected conciliation on the grounds that a board would not possess the requisite knowledge, and that it would be better, therefore, for the employer to discuss the question with his men; that it would be impossible to find a chairman to please all parties; and that there will be no cessation of industrial disputes until the labourers get the whole of the product of their labour. Three other witnesses remained neutral, but the rest, though showing a variety of opinion as to detail, agreed that conciliation in some form or other was a desirable remedy.(5)

Should the board be appointed by Government?

There was much disagreement amongst them as to whether the board should be appointed by Government, or left in the hands of the unions. Sir Samuel Griffiths, Premier of Queensland, did not believe in the efficacy of boards appointed by the legislature, and Mr. McKillop, ex-president of the Wharf Labourers' Union, as well as Mr. Johnson, a boilermaker, were of the same opinion. Mr. Thomas, manager of the Hunter River Steam Navigation Company, thought that a Government board would be of little use, and instanced Mr. Mundella's Arbitration Act to prove his statement. He would prefer a scheme such as that of the London Chamber of Commerce. Only six witnesses were decidedly in favour of a Government board; amongst them was Mr. Kingston, whose Bill to establish a State Board of Conciliation came before the House of Assembly, South Australia, in December 1890. Witnesses, however, who did not wish to have the board entirely appointed by the Government, were in favour of leaving the selection of a chairman to the Governor. The majority of the witnesses advocated the election of the members of the board by the employers and the employed. Mr. Oliver, Registrar of Friendly Societies, insisted on the value of technical knowledge, and the necessity of a board for each trade, but considered that there might be a permanent board, composed of some 200 or 300 members, with a permanent chairman, and that only such members should serve in each case as were acquainted with the conditions of the industry concerned. Mr. Justice Windeyer also suggested that Government should appoint a chairman with two assessors, whilst the bulk of the members should be persons cognisant of the trade. On the other hand, Mr. Parkinson, a solicitor of New South Wales, was of opinion that the parties would not submit to the decision of a board, where the chairman was appointed by Government, and that both parties should have a voice in his selection. Mr Wilkinson, carpenter and joiner, suggested that the chairman should be selected from the board of conciliation by the members themselves, whilst Mr. Lyell thought that the outside public ought to be represented on the board, and that Government ought, therefore, to select several men suitable as chairman, from amongst whom

(1) Report of Royal Commission on Strikes, 1890, Précis, pp. 15, 26, 93, 117, 131, 203, 220. Official Statement of Pastoralists' Federal Council.

(2) Report of Royal Commission on Strikes, New South Wales, 1890. Précis, pp. 107, 127, 133, 135, 206, 266. Report drawn up by Mr. Allan on the Shearers' Strike.

(3) "Centennial Magazine," October 1888.

(4) Presidential Address, Employers' Union, Victoria, 1887. Report of Royal Commission on Strikes, New South Wales, 1890, Précis, pp. 101, 159, 196, 197.

(5) Report of Royal Commission on Strikes, New South Wales, 1890, Conciliation Appendix, pp. 79–81.

the board could elect as occasion arose. Mr. Spence dwelt on the advantage of having a chairman with a trained mind, such as a judge of the Supreme Court, but thought it best to leave the selection to the board, as any Government would be open to the charge of being influenced by party considerations. In this opinion other witnesses concurred.(1)

The relative merits of conciliation and arbitration.

Several witnesses were in favour of conciliation rather than arbitration, but in many cases they failed to give any reason for their views. Those in favour of arbitration generally advocated a previous attempt to settle the difficulty by conciliation. Mr. Brennan proposed the establishment of boards of conciliation, and, failing a settlement by those means, of a court of arbitration. He stated it as his opinion that the labour party would be willing to submit to the decision of such a court, and that its existence would have prevented the maritime strike. The court of arbitration should be composed of three judges or three impartial persons. Mr. Davis, a sailor, suggested that a judge of the Supreme Court should be at the head of the board of arbitration, and that he should be empowered to call in two others. Mr. Long, an engineer, stated than in nine cases out of ten workmen were willing to submit their case to arbitration, but the employers would not consent. Mr. Oliver suggested that in case of a dispute, the president, treasurer, and secretary on both sides should meet and try to settle the matter, and that in case of failure the dispute should be referred to a permanent board, of which these six should form part as assessors. Nine in all out of the fifty-five witnesses were decidedly in favour of some form of arbitration.(2)

Should boards be permanent or temporary?

With regard to the permanence or non-permanence of boards of conciliation, Mr. Bruce-Smith, who strongly advocated the establishment of voluntary boards, dwelt on the necessity of constituting them at a time when no angry feeling had been aroused. To accomplish this they must be permanent, but other witnesses were as strongly opposed to permanent boards. Mr. Halloran, a pastoralist, said that he did not believe that many disputes would be submitted to the board, since one or other party would probably be dissatisfied with the first award. Mr. Oliver would prefer a permanent board as described above, whilst Mr. Parkinson proposed as a compromise that Government should appoint a paid chairman to hold office for five years, and that the rest of the board should be elected as occasion arose.(3)

Should reference to the board be voluntary or compulsory?

Mr. Bruce Smith was of opinion that a compulsory Government board would be of little use, as even if its awards were enforced, they would be carried out with such reluctance that little result would be obtained. He would have boards established by federations on each side, to which reference should be voluntary. Mr. McKillop also thought that when one side could compel the other to come before a board, its decision would be of little value, and that the consent of both parties should be a necessary preliminary. Mr. Spence held in the same way that unions should reserve the power of refusing to come before the board. Mr. Thompson, a mining agent, stated that if a court of arbitration was to be of practical use, it should be able to compel disputants to come before it, whilst Mr. Barton was in favour of a Government board, but thought that it should only act on the request of both parties.(4).

Shall the award be enforced?

Most of the witnesses were in favour of making the award compulsory, whilst some were confident that if the court were fairly appointed, no penalty would be needed to enforce its decision. Mr. Nicholson, general secretary to the Southern Miners, thought that the moral effect of an award would be sufficient, and that unions would not support members who refused to abide by it. Mr. Armstrong, an officer of the Stewards' and Cooks' Union, corroborated this view. On the other hand, Mr. Oliver held that boards should be empowered to make a levy on the funds of a union, whenever a decision was not observed, whilst Mr. Barster, who represented the building trades, held that reference to the Board should be free, but that the award should be enforced by penalties against any party refusing compliance.(5)

Shall there be two boards or one?

The Royal Commission on Strikes for New South Wales conclude from the evidence thus brought before them, and from the information obtained as to arbitration in other parts of the globe, that the difficulty in the way of one board is that those persons best qualified by nature for conciliation are not always equally well qualified for arbitration. An arbitrator must possess special judicial ability, but it is impossible to have a purely judicial court, since, if acquiescence in the award is to be voluntary, it is important that the court should be so constituted as to meet with the approval of the contending parties. Hence both employers and employed must be represented, and if so, the need for two boards becomes weakened, since that form of constitution is also fitted for the board of conciliation, and it is further inadvisable to be at the trouble and expense of going through the details of the cases a second time. On the whole, therefore, they recommend the formation of a single board elected from employers and employed, with a chairman appointed by Government, which should only resort to arbitration, if all previous attempts to settle the difficulty by conciliation proved a failure. In cases of technical difficulty three experts chosen by each party might sit as assessors.(6)

c. Conciliation in connexion with trade unions.

Boards of conciliation in connexion with trade unions have existed in several industries for many years. The Federated Seamen's Union drew up a scheme for such a board, which was accepted by the Australasian Steamship Owners' Association in 1884. The board consisted of four members elected by the Owners' Association and four by the Seamen's Union, with the addition of a chairman elected by the eight other members. Any decision given by the board might be appealed against after six months had elapsed, a month's notice of such an appeal having been given. In case of failure to come to an agreement, the board is empowered to appoint two arbitrators. In 1886 the union refused to submit a case to the board, and the owners declared the agreement broken. The Boot Manufacturers' Association and the Operative Boot Makers' Union of South Australia have established a board of conciliation consisting of five employers and five employés elected by their respective associations for twelve months at a time. At the first meeting the members elect a president and vice-president from amongst themselves. When any members are absent from one side a corresponding number must refrain from voting on the other, and when the voting on any particular case is equal, a referee may be appointed, who must have the votes of two-thirds of the board. A board of conciliation also exists in connexion with the Amalgamated Carpenters and Joiners. Five workmen members meet five employers and endeavour to arrange a settlement; the union's report for 1890 shows that some thirty disputes were settled in that year. In the building trades, if an isolated union fails to settle its difficulties by sending a deputation to the employer, the matter may be referred to arbitration, or to a board of conciliation; where this course is not adopted, or where it proves a failure, a ballot is taken to test the wishes of members in regard to a strike. The conciliation board connected with the Building Trades Council and the Contractors' Association put an end to a strike which arose during the building of the Hôtel Australia, owing to an alteration in the hours of work without due notice. After hearing the representations of the board, the contractor agreed to defer the change for seven days; when the men returned to work, however, he reduced this period of notice to forty-eight hours.(7)

d. Conferences between employers and labour organisations.

Where no regular board of conciliation has been established, differences are sometimes adjusted by conferences between the two parties. In 1873 the master printers of Victoria entered into an agreement with their employés to hold a series of conferences at regular intervals with satisfactory results. The demands of the Seamen's Union in New South Wales were met by a conference in 1890, and a further conference was held in September of that year between the marine engineers

(1) Report of Royal Commission on Strikes, New South Wales, 1890: Conciliation Appendix, pp. 80, 81. Précis, pp. 47, 73, 154, 189, 280.
(2) Report of Royal Commission on Strikes, New South Wales, 1890 Conciliation Appendix, pp. 79-81. Précis, pp. 75, 79, 204.
(3) Report of Royal Commission on Strikes, New South Wales, 1890: Précis, pp. 73, 80, 181. "Strikes and their Cure," 1888, p. 9.
(4) Report of Royal Commission on Strikes, New South Wales, 1890: Précis, pp. 13, 151, 230. "Strikes and their Cure," 1888, p. 19.
(5) Report of Royal Commission on Strikes, New South Wales, 1890: Précis, pp. 3, 76, 105, 222. Conciliation Appendix, pp. 79, 81.
(6) Report of Royal Commission on Strikes, New South Wales, 1890: p. 28.
(7) Rules of the Seamen's Union. Rules of the Boot Manufacturers' Association. Report of Royal Commission on Strikes, New South Wales, 1890; Précis, p. 221; Appendix, p. 168.

and the shipowners, which for the time settled their differences.(1)

e. Intervention of bodies representing the federated unions.

The most frequent method, however, of settling disputes is by the intervention of bodies representing the federated unions in each colony. The majority of unions are now affiliated to some central body, and matters in dispute are accordingly referred to the central council when the lesser unions fail to effect a settlement (*see* p. 22). It then devolves on the officers of the council to intervene, and, either by sending a deputation to the employers, or by other forms of mediation, to put an end to the dispute. Should these efforts fail, the council again consults the individual unions as to the necessity of a strike. Thus the South Australian United Trades and Labour Council intervened in some fifteen disputes of a more or less serious character, and in nearly every instance succeeded in improving the position of their members. In one instance they called a conference and obtained an agreement providing for the closing of butchers' shops at six on all week days except Saturday and abolishing Sunday work, except in the case of Government contracts. In two other instances they obtained reductions of working hours for carriers and for iron-workers.(2)

f. Written agreements.

Such conferences sometimes result in drawing up a written agreement as to the future conditions of labour, and this method of promoting social peace is strongly recommended by the New South Wales Commission on Strikes. In most industries there have as yet been no such agreements, and in the few cases in which the custom has obtained, the agreement has only lasted a few years. An agreement, known as the Newcastle agreement, was drawn up between several mining companies, united under the name of the Associated Masters and the Miners' Association of the Hunter River district. It regulated the rate of wages and the hours of work, and provided for the appointment of a referee by the Chief Judge in Equity, to whom all matters in dispute could be submitted. The agreement was, however, broken during the great strike of 1890. Again, when a dispute occurred at the Illawarra mines, a conference was held and an agreement drawn up, which was adopted by the votes of the individual miners. It was known as the Barton agreement after the name of the chairman of the conference, and continued in force for some years. A written agreement, concluded between wharf-labourers and their employers shortly before the great strike, was broken by the action of the labourers, or, as they alleged, by that of the employers, in issuing notices for free labourers before the strike was actually declared. Be this as it may, the action of the wharf labourers, together with the declaration of Mr. Spence and Mr. Brennan that where the principles of unionism are concerned an agreement may be rightly broken, did much to check attempts to settle difficulties by this method. The labour leaders oppose the conclusion of agreements between individuals or between isolated unions and employers, but they regard such a system with favour where federations on both sides are concerned. They consider that the moral obligation of such an agreement would be sufficiently strong to ensure its observance, and that if one union broke its faith, the others would refuse to support it. Mr. Brennan would have conferences held in every industry in December, and agreements drawn up to regulate the conditions of labour for the ensuing year. Such agreements, however, must respect trade customs, for, when they fail to do so, difficulties arise, as in the case of the building trades. Here the men became dissatisfied with the agreement, and, to test their position, took several cases into court, where the judge decided that, inasmuch as the agreement had only been signed by a few representatives, it was not binding upon any except those who actually signed it. Employers, therefore, suggest that agreements should be registered at the option of the parties, and the courts empowered to enforce their observance by means of a fine. Without some such provision these agreements will not ensure the avoidance of disputes, and even then hardship will be inflicted upon the innocent by the bad faith of a few. Still a number of authorities regard this system as the best means available for avoiding disputes, and it has been adopted in the pastoral industry.

Mr. Kingston's Conciliation Bill for South Australia, and the New Zealand Industrial Conciliation Bill, make provision for the registration of agreements.(3)

Legislation actual and proposed. *a.* Acts, New Sout Wales

In New South Wales there have been two Arbitration Acts, the first passed in 1867, "to make arbitration more effectual," and the second in 1891, to establish councils of conciliation and arbitration in accordance with the recommendations of the Royal Commission on Strikes of 1890. No other colony has as yet (1893) passed any Act on the subject, though a number of schemes have been prepared, and Bills have been introduced into the various legislatures. According to the New South Wales Act of 1867, when the parties have agreed to submit the matter to arbitration, they may either appoint an arbitrator, or, if they have omitted to do so, he may be appointed by a judge of the Supreme Court. The award must be made within three months, unless the parties or the court extend the time, and pending the decision, the Supreme Court has power to stay all actions or suits in respect to the matter in dispute. Where application is made, the award may be remitted to the arbitrators for reconsideration. The Act of 1891 divides New South Wales into five industrial districts; in each of these a council of conciliation is to be formed, two members of which are to be appointed on the recommendation of the organised employers, and two on the recommendation of the organised employés. The members are to hold office for two years. If it is desired, special councils, similarily constituted, may from time to time be appointed to deal with special disputes. A clerk of awards is appointed in each district, to receive the application for conciliation, convene the council, and summon witnesses. This application may be made either by joint agreement of the two parties or by either party singly. In case the council of conciliation fails to bring about a settlement, the clerk of awards must report the case to the president of the council of arbitration. This council consists of three members, one selected from amongst the employers, one from amongst the employed, and the third impartial. The last is the president of the council, and must be appointed by the governor from two candidates nominated by the other two members; if they fail to nominate anyone, the governor may make the appointment. The members of this council serve for two years, whilst members of the court of conciliation may sit with them as assessors. If both parties agree to the award, it may be made a rule of the Supreme Court on the application of either party. The Act is to continue in force for four years, viz., till March 1895. At a meeting of the Trade and Labour Council of Sydney, held after the passing of the Act, to elect the nominees, a motion was brought forward to postpone such election until a compulsory clause was inserted in the Act, on the ground that without such a clause employers would never agree to arbitration. The motion met with some approval, but was rejected, on the ground that it was necessary to test the Act before condemning it. The board thus constituted held its first meeting on October 13th, 1892, when the president, Dr. Garran, delivered an address on the general principles and procedure of the board, and expressed a doubt as to whether it would not be found necessary to amend the Act, so as to render recourse to the board compulsory in the case of every dispute.(4)

b. Schemes. New South Wales.

A Bill introduced into the New South Wales Parliament in 1887 by Mr. Carruthers had many features in common with the Act of 1891, but differed from it in providing that only three members should form the board of conciliation, and that these three should convert themselves into a board of arbitration, by appointing two arbitrators, one from either party, to sit together with the board. Further, disputes might be referred to the board by the governor, as well as by one or both of the parties involved, if the matter appeared to him to be of urgent public importance. Mr. Dibbs had previously brought forward a scheme in 1882, founded upon the French "Conseils de Prud'hommes." This scheme was published in pamphlet form in 1890, and proposed that a joint committee of employers and employed should draw up a constitution, to be adopted by employers and by the unions. A council of 12 was then to be formed, half the members being elected from each party, with a chairman elected for a year, who should be an impartial person and a citizen of Sydney. Pending the

(1) Report of Royal Commission on Shops, Victoria, 1884, p. 31. Report of Royal Commission on Strikes, New South Wales, 1890: Appendix, p. 1; Précis, p. 238.
(2) Reports of the Trades and Labour Council, South Australia, 1890, 1891.
(3) Report of Royal Commission on Strikes, New South Wales, 1890: Appendix, p. 1; Précis, pp. 26, 31, 33, 57, 70, 94, 95, 97, 100, 120, 132, 219. Official Statement of Pastoralists' Federal Council, p. 10.
(4) For texts of these Acts, *see* Appendix pp.50–57. Sydney "Daily Telegraph," October 14th, 1892.

decision of the council, work was in every case to be continued, and the council was only to have recourse to a formal decision when all efforts at conciliation had proved unavailing. In 1887 a joint committee of this kind, chosen by the New South Wales Employers' Union and the Trade and Labour Council, drew up a scheme which fell through for want of support from the unions. According to this scheme a board of not more than eighteen or less than ten was to be elected by the two organisations, with power to add one or three additional and independent members when occasion arose. Permanent members were to serve for a year. The board was to deal only with disputes between members of the two organisations, and could only be set in motion by a joint request of two or more parties entitled to its assistance, between whom some dispute had arisen, which failed to reach a settlement through the respective secretaries of the organisations. Two months' notice was to be given of all changes in wages, hours of work, or system of work demanded by either party, and no strike was to be declared until all other methods had been tried.(1)

c. Schemes, Victoria.

A similar scheme was drawn up by the Victorian Trades Hall Council and the Victorian Employers' Union. It differed in that in this case the chairman was to be elected from amongst the members present on any given occasion, and was to hold office only until the termination of that particular inquiry. Every six months a committee of inquiry, composed of two members from each organisation, was to be appointed to investigate and settle informally any dispute referred to them; but though at first the system was productive of good feeling between the two parties, it has not proved successful. In 1890 two Bills were introduced, one by Mr. Langridge to establish an Industrial Labour Chamber, and the other by Mr. Richardson to establish Councils of Conciliation. According to Mr. Langridge's Bill the Industrial Chamber was to examine into the conditions of industry and to set them forth in the form of a contract to be used at the option of the parties. The Chamber might also act as referee on the application of one of the parties and award costs against either side. It was to consist of a president and twelve members, six chosen by the Employers' Union and six by the trades unions, and these twelve should choose as president a Judge of the Supreme Court, or a county court judge. Mr. Richardson's Bill empowered the Governor in Council to license councils of conciliation on the petition of any number of employers who have carried on trade in a district for six months, or of employés who have worked at their trade five years. The council was to consist of not less than two or more than ten members, with an independent chairman, chosen by the members themselves. Any dispute brought before the Council was to be referred first to a committee of two, one employer and one workman, and failing a settlement, to the council as a whole.(2)

d. Schemes, South Australia.

In 1890 Mr. Kingston introduced an "Industrial Unions Bill" into the South Australian House of Assembly, which empowered the governor to appoint a Minister of Industry and an Industrial Registrar with the necessary officers. The minister might then cause a conciliation hall to be built for the conduct of business, the expenses of which were to be defrayed wholly or partly by Parliament. Provision was made for the registration of unions and associations of unions, as well as of written industrial agreements. Such agreements when executed were to be binding on the parties for a term stated, which might not exceed five years. A fine of 500*l.* in the case of an organisation, or 50*l.* in the case of an individual, might be inflicted for breach of a registered agreement. Public and private boards of conciliation were to be established. The public boards included local boards and state boards. In the first case the jurisdiction was limited to particular industries and localities, and the board might be constituted if "generally desired" by the employers and employed of six months' standing in any particular industry. It was to be composed of an equal number of representatives from both parties, who were to elect an independent chairman. In the second case the boards were to be appointed by the governor, and were to be composed of seven members, three recommended by each of the industrial parties and the president chosen by the governor. The governor on the recommendation of the minister might refer any dispute to a board, and might also refer it from a local to a state board. The governor was also empowered to extend the operation of the Act to all trades unions in the colony, whether they have registered themselves voluntarily or not. To enforce the awards, process may be issued against the property of any organisation, to the amount of 1,000*l.*, or of any individual member to the amount of 10*l.* A penalty also attaches to counselling or participating in a strike, for the settlement of which any board has jurisdiction. This scheme was re-introduced in 1892 with slight alterations. In its amended form salaries for the president and members of the conciliation boards were specified, the period necessary for voters to have practised the industry in the given district was shortened, and the governor was given the power to appoint technical assessors when necessary, as well as to compel parties in dispute at his discretion to submit their case to an inquiry, the results of which might be published. Another Bill introduced in 1892 into the legislative council provided for the appointment of a permanent board which should undertake the functions of mediation and conciliation, but which should not give any authoritative decision except at the request of one of the parties concerned in the dispute. Application for the services of this board may be made or not at the pleasure of the parties in dispute.(3)

e. New Zealand Bill.

A Bill was introduced into the New Zealand Parliament in 1892 for the purpose of "encouraging the "formation of Industrial Unions and facilitating the "settlement of Industrial Disputes." Like the South Australian Bill it provides for the registration of associations both of employers and of employed as a necessary preliminary to any system of conciliation. This registration will render the association and all its members subject to the jurisdiction of courts of conciliation and arbitration to be appointed under the Bill if it became law. Councils representing any number of such unions are also empowered to register, and if registered, all the subordinate unions and their members are made subject to the jurisdiction of the courts. The regulations regarding industrial agreements are the same as in the South Australian scheme, and there are like provisions for the appointment of a clerk of awards and for the convening of the board of conciliation. If this board fails to effect a settlement, it must report such failure to the clerk of awards, whereupon the parties concerned may require him to refer the matter to the court of arbitration for a decision. This court is composed of a representative from the employers and one from the employed, with an impartial president, all three appointed by the Governor. It must make its award within one month, and may give costs against either party to a reasonable amount. The Governor may on the recommendation of the Minister declare by proclamation that a dispute is to be referred to a district board of conciliation or court of arbitration, if it appears to him of sufficient importance. The Bill was, however, thrown out by the New Zealand Parliament in September 1892.(4)

DIVISION II.—CONDITIONS OF LABOUR IN CERTAIN SPECIAL INDUSTRIES.

A.—Mining and Engineering.

1. Mining. *a.* Gold.

The output from the gold mines throughout the Australian colonies shows an annual decrease. In 1856 the yield in Victoria amounted to 3,053,744 ounces, whilst in 1890 it was only 538,560 ounces in Victoria, 60,000 in Queensland, and 15,000 in South Australia. Efforts are being made to remedy this state of things by introducing better machinery and an improved method of crushing the quartz, as well as by the employment of public money in developing new mines. The Minister of Mines in Victoria points out in his Report for 1890 the great national advantage of discovering auriferous leads as a means of giving employment to labourers, and reports finds made by the assistance of loans from the prospecting vote at Ballarat, Beechworth, Castlemaine, Grippsland, Maryborough, and Sandhurst. In Victoria 23,833 men are employed in gold mining, and the average product per miner is valued at 98*l.* 15*s.* 7*d.*; in New South Wales it is only valued at 37*l.* 13*s.* 8*d.* Wages vary very much in different districts, but the report of the Minister for

(1) Appendix, pp. 50-57.
(2) Appendix, pp. 57-62.
(3) Appendix, pp. 62-72.
(4) Appendix, pp. 72-78.

Mines in Victoria gives the weekly averages for 1890 as 3*l.* to 10*l.* for a general manager, 2*l.* 10*s.* to 3*l.* for an engine-driver, and 2*l.* 2*s.* to 2*l.* 10*s.* for a miner. Surface men receive on an average 1*l.* 16*s.* to 2*l.* 10*s.*, boys 15*s.* to 2*l.*, and Chinese labourers 1*l.* to 1*l.* 10*s.*(1)

b. Silver.

In 1882 two important discoveries of silver ore were made in the Bathurst and Barrier Range districts of New South Wales; in the second case the deposits extend over 2,500 square miles. In 1885 the Broken Hill Proprietary Company was formed to take over the property of a small syndicate then working the richest lode at Broken Hill. From that time until 1891 the company produced 25,750,000 ounces of silver and 1,071,038 tons of lead, and paid dividends to the amount of 2,728,000*l.*, as well as bonuses amounting to 592,000*l.* During the year 1890–91 the number of men employed in the Broken Hill mines, which are in direct railway communication with Adelaide and are thus of importance to South Australia as well as to New South Wales, was 2,545. (For conditions of labour, see account of the strike, p. 30.) The prospects of silver mining are now attracting attention in Tasmania. Important discoveries have been made at Mount Zeehan and Mount Dundas on the west coast, and the output for 1890 is valued at 26,487*l.* Silver is also found in many places in New Zealand, but the deposits are little worked. The yield reached its highest point in 1871, when 80,272 ounces, valued at 23,145*l.*, were exported.(2)

c. Tin, copper, and iron.

Tin has been found in great quantities in New South Wales, Queensland, Western Australia, and Tasmania. The New South Wales mines have been worked since 1872, and in 1890 yielded a value of 179,057*l.* In 1881 the output of the Queensland mines was valued at 2,168,790*l.*, and in 1890, at 154,963*l.* Copper is found in New South Wales, Tasmania, New Zealand, and Queensland, but in the first-named colony its value fluctuates considerably, and in 1887, when the lowest point was reached, a number of mines were closed. Deposits of rich iron ore exist in many parts of New South Wales and are often found in the neighbourhood of coal and limestone, but the manufacture of iron has been comparatively neglected, and the only works are at Eskbank near Lithgow. In Queensland the iron ore is not worked, although the Government has offered a bonus of 5,000*l.* for the first 500 tons of marketable iron smelted in Queensland from native ore, and again in Tasmania and New Zealand attempts made to work the iron ore have hitherto proved unsuccessful, though a fair amount of capital has been invested in the undertaking.(3)

d. Coal output.

By far the most important of the mining industries in Australasia is that of coal-mining, which is carried on in all the colonies, but especially in New South Wales. The New South Wales coalfields, divided into those of the southern, the western, and the northern districts, cover an area of 24,000 miles, and the output in 1891 amounted to 4,037,929 tons. Victoria produces comparatively little coal. In 1890 the industry only employed 205 men, and the output only amounted to 14,601 tons, valued at 1,389*l.* It was expected that the New South Wales strike in 1890 would give an impetus to Victorian coal mining, but such did not prove to be the case. Great difficulties have to be overcome owing to the dense forests and jungles, and the absence of roads; but when these are surmounted a great increase is expected, especially in the districts of Korumburra and Jumbunna. The principal coal beds already discovered in Queensland are at Ipswich near Brisbane, at Burrum, near Maryborough, and at Cooktown; but these are supposed to form only a small proportion of the coal-producing area. In 1890 the output reached 338,344 tons. The amount of coal raised in Tasmania during the same year was 53,812 tons, three-fourths of which came from the Fingal Mines. It is estimated that the coalfields of New Zealand contain 500,000,000 tons of brown coal, the same amount of pitch coal, and 200,000,000 tons of bituminous coal. Brown coal is chiefly found in Auckland and Otago, pitch coal and bituminous coal in Nelson. Though the importation of foreign coal has not entirely ceased, since vessels returning from New South Wales sometimes bring it in default of other cargo, a considerable export trade is springing up. In 1890 647,397 tons worth 3,362,363*l.* were raised in the colony; 69,614 tons were exported, whilst 110,939 were imported.(4)

(1) Victorian Year Book, 1890-1, Vol. II., p. 355. Report of Minister of Mines, Victoria, pp. 7, 114, 116.
(2) Imperial Institute Year Book, 1892. pp. 541, 681, 705.
(3) Imperial Institute Year Book, 1892, pp. 541, 542, 643, 644, 663, 680, 681.

Wages.

The wages of Australian miners are for the most part paid by the piece. In New South Wales the hewing rate is so arranged as to enable the miner to earn 9*s.* or 10*s.* a day, and thus in the southern and western districts, where the coal is soft, it is 2*s.* 4*d.* a ton, and in the northern district, where it is harder, 3*s.* 10*d.* The thickness of the seam, the width of the drives, and the amount of extraneous matter in the coal have also to be taken into consideration. Where the seam is less than 5 feet thick, an allowance is made to the miner for every inch, and where drives are less than 8 yards wide he receives an allowance for every yard. Again, if there is a band of extraneous matter of more than 6 inches wide in a 5-feet seam, the miner is entitled to compensation. Engine-drivers in mines receive from 10*s.* to 12*s.* a day, firemen 7*s.* to 8*s.*, blacksmiths 8*s.* 6*d.* to 10*s.*, mechanics 9*s.* 3*d.* to 10*s.* 6*d.*, bankers-off 7*s.* 6*d.* to 8*s.* 6*d.*, furnacemen 6*s.* 6*d.* to 7*s.* 6*d.*, stablemen 7*s.* to 7*s.* 6*d.*, and boys 2*s.* 6*d.* to 3*s.* 6*d.* In some mines the miners unite on what is called the "tribute system," and lease a portion of the mine from the proprietors, paying them a royalty on the output. The "tributers" then employ other men as day labourers, it is alleged at very low wages. In Victoria pitmen's wages vary from 2*l.* 5*s.* to 3*l.* 10*s.* a week, and those of surface-men from 2*l.* 2*s.* to 3*l.* The average wages of a hewer at the Grey Valley Coal Mines, New Zealand, are between 14*s.* and 15*s.* a day, but they range from 9*s.* 6*d.* to 15*s.* 5*d.* Truckers, banksmen, and stokers receive 10*s.* a day, whilst about twenty-five youths and men are employed at from 7*s.* to 9*s.*, and thirty-five boys at from 4*s.* to 6*s.* The New South Wales miners receive an allowance of from 4*d.* to 9*d.* a tub for slack. They are allowed as much coal as they need for the consumption of their families. Out of their earnings they have to provide tools, and, where blasting is necessary, powder and fuse. The amount of coal which a miner will hew in a day greatly depends upon his practical skill; the men work in pairs, two in one "bord," and one pair will often get twice as much as another. Much also depends on the nature of the coal, and to equalise matters miners draw for their stations every three months. In the Hunter River collieries 2½ tons a day is the average amount, which gives an average wage of 9*s.* 7*d.* a day, or, deducting the cost of powder and fuse, 9*s.* 3*d.*(5)

Hours.

The eight-hour system prevails in all the New South Wales collieries, and the hours are reckoned from the time that the men assemble at the mouth of the pit, though sometimes they have to walk nearly a mile before they reach their "bord." Wheelers, screenmen, and others at the pit's mouth, who are paid by the day, really work less than eight hours, since they cannot begin work until the coal comes up from the hewers. Every alternate Saturday is kept as a holiday, but in the Newcastle district the average time worked during 1891 was only six or seven days in the fortnight, which reduced the average wages to 33*s.* a week. By a regulation amongst the men themselves the maximum number of "skips" (tubs) to be supplied to a miner each day is strictly limited, so that the output is kept in check and the chances of regular employment so far improved. At the Grey Valley Coal Mines in New Zealand the miners decided in March 1890 to reckon their eight hours from bank to bank. Thus the actual working time is only 6¾ hours, since half an hour is allowed for a meal. They have also attempted to limit the output, but the regulations are often evaded by the men themselves.(6)

Methods of work.

There is no system of apprenticeship for miners in New South Wales, but the same method of advancement obtains in most mines. A boy begins to work at fourteen, and is usually first in charge of the "traps" used in ventilating the mines. He has to open them, when a "skip" or miner passes, and to close them again so that the air is forced into the galleries where it is required. After one or two years of this work he becomes a driver or wheeler, and when about eighteen is put to work in a "bord" with his father or some

(4) Report of Government Statistician, New South Wales, 1892, No. 11, pp. 2, 3. Report of Commissioner of Mines, Victoria, 1891, pp. 1, 2, 9. Imperial Institute Year Book, 1892, pp. 644, 681, 705.
(5) Report of the Government Statistician, New South Wales, 1892, No. 11, pp. 6, 7, 8. Report of Commissioner of Mines, Victoria, 1891, p. 116. Report of Commission on the Grey Valley Coal Mines, 1891, p. 195.
(6) Report of the Government Statistician, New South Wales, 1892, No. 11, pp. 6, 7. Report of the Commissioners on the Grey Valley Coal Mines, 1891, p. 12.

friend; the older man in this case receives for a time the greater part of the joint earnings. Many men who are now foremen, and even a few who are managers, have begun in the mines as trappers. Miners consider that some preliminary training is necessary for their work, and agree that a provision to that effect should be inserted in the Mining Act.(1)

Character of the miners.

Miners for the most part live close to their work, in cottages one story high, built of wood, stone, or brick, and containing two or four rooms with a kitchen detached; these cottages are usually very comfortable. The report of the Government Statistician for 1891, speaking of coal miners, says: "Anyone who travels "in the mining district and mixes with the men will "find them civil, obliging, and intelligent. In some "matters, perhaps, their judgment is somewhat warped "by class prejudices, and they may be rather too apt "to look upon the capitalists as their enemies, but "these prejudices are evidently fading away before "the light of reason and truth. Miners, as a rule, are "great readers; there are but few who do not take "some newspaper regularly, and they are staunch "supporters of the mechanics' institutes and schools "of art which abound. It is only necessary to look at "the small amount of wages earned by these men for "some time past, and it will be seen at once that only "by the exercise of great thrift, foresight, and sobriety "has it been possible for them to live at all. That "they and their children and their homes are kept "in so creditable a condition under the circum-"stances speaks volumes for their prudence and self-"restraint."(2)

Professional risks.

Different opinions prevail as to the effect of the miners' work upon their health. The men urge that they are subject to great risks and suffer from being obliged to adopt unnatural positions while at work as well as from bad ventilation. The employers maintain, on the other hand, that the risks are no greater than in many other industries, and that an industry in which men often live to be seventy years of age, cannot be peculiarly unhealthy. The Mining Act obliges the owners to supply a certain quantity of air a minute for every man and every animal working in the mines; nevertheless, miners are specially subject to miners' asthma, a disease brought on by breathing impure air and inhaling coal-dust. They are also subject to an affection of the eyes due to working in partial darkness, only illuminated by a light falling at an unnatural angle upon the optic nerve. The number of fatal accidents in the mines of New South Wales, where 10,820 men are employed, was twenty in 1891, whilst there were fifty-four casualties of a less serious character.(3)

2. Engineering.

Taking engineers to include men who make or manage engines, whether on board ship, on a train, or in a factory, mill, or mine, engineers connected with locomotive engines occupy the best position, since in most cases they must hold a certificate from the Marine Council or the Board of Trade. Wages for marine engineers were fixed in 1880 by the Institute of Marine Engineers, but the subsequent changes in machinery led the men to demand an advance in 1890. A conference was held with the result that in the case of engines up to 100 horse-power, no advance was made upon the old rates of 20*l*., 16*l*., 14*l*., and 12*l*. a month for first, second, third, and fourth engineers. An advance of 2*l*. to the chief engineer, and 1*l*. to the second and third, was granted for every increase of 50 horse-power, and it was agreed that the engineer should have a corresponding time off for all work performed after 5 o'clock, or beyond the custom of the trade. Mining engineers work eight hours a day, and receive from 2*l*. 10*s*. to 4*l*. a week, according to the district rate. Engineers in foundries and pattern makers earn from 10*s*. to 12*s*. a day.(4)

Boiler inspection.

The necessity of taking steps to prevent the frequent occurrence of explosions in connexion with boilers has been under serious consideration in Victoria and South Australia. These accidents have been exceedingly numerous; for one explosion to 2,600 boilers in Great Britain, there is one to 330 in Victoria. This is due to the fact that no certificate is required to enable a man to take charge of a boiler, and that periodical inspection by experts is not made compulsory. A mechanical engineer employed in the Government Locomotive Department suggested to the South Australian Commission on Shops and Factories that a competent board of engineers should issue rules to be observed by all men in charge of boilers, and that periodical inspection by a government inspector should be compulsory. The Engineer Surveyor for the Marine Board of South Australia was of opinion that all boilers should be registered, and that the inspection of those near any dwelling-house or public road should be compulsory. He thought that all attendants should hold some certificate or be licensed, and explained that the third class certificate of the Marine Board only required a knowledge of writing and elementary arithmetic, and such technical knowledge as can be acquired in eighteen months in any shop for the making or repairing of boilers. Those, however, who like farmers employ machinery for only part of the year, complain that they cannot afford the services of an attendant possessed of even this degree of skill.(5)

B.—Transport and Agriculture.

1. Railways.

Grievances exist among railway servants in New Zealand in connexion with wages, hours, and the number of apprentices. In 1890, the secretary of the Amalgamated Society of Railway Servants presented a petition to the Royal Commission, then inquiring into sweating in New Zealand. It was stated in this petition that in the traffic department the hours of work were excessive, that Sunday work was not sufficiently remunerated, that the wages of shunters were too low, that signalmen were unfairly classified, that the whole department was unjustly deprived of holidays, and that the number of boys employed was out of proportion to the number of men.(6)

Wages.

The Railway Commissioners stated to the Sweating Commission that station masters were paid from 130*l*. to 300*l*. a year, with a house allowance of from 25*l*. to 50*l*. Guards and brakesmen received from 8*s*. to 10*s*. a day, porters 6*s*. 6*d*. to 7*s*. 6*d*., boy porters not under sixteen from 3*s*. In the locomotive department men in the shops received from 8*s*. to 10*s*. a day, whilst apprentices, beginning between fourteen and seventeen years of age, received 5*s*. a week the first year and gradually advanced to 21*s*. in the seventh. Cleaners, who must not be under seventeen, received 5*s*. 6*d*. a day the first year and rose to 7*s*. in the fourth; they are then promoted to be firemen and paid from 7*s*. 6*d*. to 9*s*. a day. Engine drivers must have first served as firemen and must have passed an examination to prove their fitness; they can then command from 10*s*. to 13*s*. a day. Cadets for the clerical staff, who must be between fourteen and seventeen years of age, received 30*l*. the first year rising to 110*l*. in the fifth. Men on the clerical and drafting staff received from 120*l*. to 250*l*. a year. The employés objected strongly to the system of payment by the piece, on the ground that it appealed to the worst side of human nature, and that from the nature of the case it was difficult to frame a fair estimate, so that it tended to reduce wages. They further urged that its effect was to make men exert themselves to increase their earnings, but that when they were found to be earning more than a time and a quarter, calculated by the daily wages, the rate for piece-work was reduced. The Commissioners considered that piece-work afforded the necessary stimulus to industry, where a large number of workmen worked together; but on the request of the employés they consented to diminish it as much as possible. They are now employing labourers on the line on a gang or contract system according to which the men combine in groups and choose their own foremen: each gang then divides the wages amongst its members.(7)

Hours.

The Railway Commissioners were of opinion that the hours of work for railway servants should be limited when possible to eight hours a day, except in the case of firemen and engine-drivers, whose hours of work must be ten. The railway servants, on the other hand, requested that no employé should work more than forty-eight hours a week unless absolutely necessary, and that all overtime should be paid at the rate of time and a

(1) Report of the Government Statistician, New South Wales, 1892, No. 11, p. 8.
(2) Report of the Government Statistician, New South Wales, 1892, No. 11, p. 9.
(3) Report of the Government Statistician, New South Wales, 1892, No. 11, pp. 9-11.
(4) Report of Royal Commission on Strikes, New South Wales, 1890, Précis, pp. 237-239. Report of Royal Commission on Shops and Factories, South Australia, 1892, pp. 326, 327. Report of Inspector of Factories, Victoria, 1887, p. 6.
(5) Report of Royal Commission on Shops and Factories, South Australia, 1892, pp. 247, 326, 357.
(6) Report of Correspondence between Railway Commissioners and Employés, 1890, pp. 1, 5, 6.
(7) Report on Petition of Railway Servants, 1890, pp. 12, 13. Report of Corespondence between Railway Commissioners and Employés, 1890, pp. 36-40, 59.

quarter for the first four hours and time and a half for anything further. They pointed out that engine-drivers, firemen, guards, porters and signalmen often worked fourteen or even sixteen hours a day to their own injury and the public danger. In their opinion no employé should be called upon to resume work without an interval of at least eight hours' rest, and they urged the special necessity for this interval in the case of engine-drivers, whom they alleged to be often called out after only five or six hours. At the conference held between the Railway Commissioners and representatives of the Amalgamated Society of Railway Servants it was stated that eight hours was the rule of the service and that overtime was paid as such, but that time not actually spent in work, as for instance in the case of an engine-driver whose engine was standing at a suburban station, or of a porter employed at a small station, was deducted from the overtime calculation. The employés, on the other hand, demanded that a man should be paid for all the time spent from home, whether in working or in waiting, and that labourers on the line should be paid for time occupied in going to work. This the Commissioners declared would involve great additional expense to the public service; but finally a compromise was effected, whereby the maximum weekly hours were fixed at fifty-four, and it was decided that no time in which a man was temporarily off duty was to be deducted unless it exceeded three hours.(1)

Apprentices. The excessive employment of boys, both in the locomotive and traffic departments, was said by the petitioners to increase the responsibility of the men as well as to lower their wages. They requested that only one apprentice should be allowed for four adults in each department, and only one youth under twenty-one for every four labourers on full wages. They further requested that the number of cadets in the clerical service should be limited to one to every three station masters and clerks. The Commissioners consented to reduce the number gradually, but contended that they had never greatly exceeded it, and that cadets already fell short of the number fixed by the men.(2) (*See* p. 27.)

2. Shipping. *a.* Marine officers. The grievances of marine officers came to the front at the time of the great strike of 1890, and included low wages, long hours, and inadequate accommodation. Both officers and men on the steamships attributed the unfavourable conditions of their work to the excessive reduction of fares forced upon the steamship owners by competition. In 1889 the marine officers organised the Mercantile Marine Officers' Association of Australia and New Zealand, with a view to improving their position. The Victorian Branch of this association became affiliated with the Melbourne Trades Hall Council, whilst the New South Wales branch made application to be thus affiliated to the Trade and Labour Council in Sydney. To this affiliation the owners took exception.(3) (*See* p. 28.)

Wages. The wages of marine officers varied from 10*l.* to 15*l.* a month, but as the seamen, cooks, and stewards had received an advance; the officers demanded a similar concession. After the strike of 1890 they gained some advantages; in one case wages were raised from 9*l.* to 12*l.* a month.(4)

Hours. Though it is true that the exigencies of the shipping industry render it impossible to adhere strictly to definite hours, it appears from the evidence given before the New South Wales Commission on Strikes that officers were frequently kept on duty so long as to injure their health and to endanger the safety of the vessel. This is especially the case when an officer is obliged to be continuously at work whilst the vessel is in port, and yet must take his turn at the watch as soon as she sails. One officer stated that he had been in continuous employment for thirty-one hours, and had worked fifty-six hours in three consecutive days. In another case an officer who had kept the morning watch whilst the vessel was entering Sydney, remained on duty throughout the day, and, indeed, until 5.30 p.m. on the next day, when the vessel left Sydney, after which he again kept the bridge for a time, as well as the watch from 8 to 12 p.m. It was further stated that officers frequently fell asleep when on duty, and the marine officers asked that every officer should be allowed certain free hours when in port, and four hours' rest before going on watch.(5)

b. Seamen and stewards. Wages. The great reduction in freight rates and passenger fares and consequent diminution of profits keep the rate of wages low, and have from time to time occasioned great discontent among seamen. The rate had been fixed by agreement in 1884, and in 1886 the owners made an unsuccessful attempt to reduce it by 1*l.* a month. The average pay in 1890 was from 6*l.* to 7*l.* a month, with from 1*s.* 6*d.* to 2*s.* 6*d.* an hour for overtime, according to the current rate of the port. Many men increased their earnings considerably by this overtime work, but others complained that such work was practically compulsory, and that they would have preferred the time to themselves. The stewards and cooks of vessels formed a union in 1884, and their wages have since risen. After the strike of 1890 the owners announced that they would pay "bedroom stewards" 5*l.* 10*s.*, and "pantry stewards" 6*l.* a month. Actual wages are said to be 10*s.* less; and in the Peninsular and Oriental Company's steamers a steward receives only 3*l.* 10*s.*, but makes considerably more out of perquisites. On the steamers of the Newcastle Steamship Company stewards were paid by being allowed to manage the bar on board, but the Union of Cooks and Stewards fined two members who undertook to do this. Deductions for losses and breakages are sometimes excessive, one man was charged 16*s.* 6*d.* in Melbourne, and again 1*l.* 7*s.* 6*d.* in Sydney, though the vessel had only sailed to Sydney and Cooktown and then back again to Sydney.(6)

Hours. Both seamen and stewards complain of the length of their hours. The manager of the Hunter River New Steam Navigation Company acknowledged that the seamen had often very hard work, but alleged that this was due in a great measure to the demands of consignees to have their consignments out of the vessel with all possible despatch, to the perishable nature of freights, and to the excessive competition between the shipping companies. He stated that the employers would be willing to give shorter hours if possible. Again the great increase in the number of passengers, due to the reduction of fares, adds to the labours of the stewards, who are often kept at work, when in port, for eighteen hours a day. The increase in passengers has not been followed by an increase in hands, except in a few cases where the union has succeeded in making its influence felt. Marine engineers succeeded in obtaining an eight hours' day by means of a conference in 1891. Seamen in 1890 demanded that any man who had kept watch for six hours at sea should only be on duty for two hours on shore.(7)

3. Wharf labourers and stevedores. Wages. Stevedores in Australia are usually paid by the ton, but in some cases they are allowed a fixed salary by the shipping agents. One stevedore in Sydney stated that his average profits were 10*l.* a week. Coal lumpers receive 1*s.* 6*d.* an hour, and wharf labourers 1*s.* with 1*s.* 6*d.* for work between 5 p.m. and 7 a.m. The average weekly wages of wharf labourers as given by the employers are from 1*l.* 19*s.* to 2*l.* 2*s.* without reckoning overtime; the labourers themselves reckon them at 1*l.* 17*s.* 6*d.* including overtime.(8)

Relation between stevedores and wharf labourers. Before the strike of 1890 there was great irritation between the stevedores and the wharf labourers. The latter are represented in New South Wales by three organisations, the Sydney Wharf Labourers' Union, the Newcastle Wharf Labourers' Union, and the Sydney Coal Lumpers' Union. The entrance fee in the first two unions is 10*s.*, but in the third it is 5*l.* 5*s.* The third is, however, the only one of the three which gives sick and death benefits. The rules of these unions did not allow members to work with non-unionists, and the officers of the unions frequently interfered as to the number of men employed, the hours of work, and similar matters. The stevedores were obliged to comply with the demands of the unions, since refusal to do so involved the loss of the whole gang with consequent delay, and perhaps damage, to perishable cargo. Again, the stevedores complain that workmen sent by the unions were of very unequal ability, and that they incurred considerable loss by being forced to set a good man to work with his inferiors, and being unable to

(1) Report on Petition of Railway Servants, 1890, p. 13. Report of Corespondence between Railway Commissioners and Employés, 1890, pp. 54, 62.
(2) Report of Correspondence between Railway Commissioners and Employés, 1890, pp. 1, 5, 6, 10.
(3) Report of Royal Commission on Strikes, New South Wales, 1890: Précis, pp. 106, 109, 171, 185, 200.
(4) Report of Royal Commission on Strikes, New South Wales, 1890: Précis, p. 169.
(5) Report of Royal Commission on Strikes, New South Wales, 1890: Précis, pp. 166, 184, 187.
(6) Report of Royal Commission on Strikes, New South Wales, 1890: Précis, pp. 120, 121, 160, 162, 201.
(7) Report of Royal Commission on Strikes, New South Wales, 1890: Précis, pp. 138, 160, 192, 201.
(8) Report of Royal Commission on Strikes, New South Wales, 1890: Précis, pp. 4, 8, 14, 15, 17.

employ the best men, whether unionists or non-unionists.(1)

Hours.

The hours during which wharf labourers are kept at work are often exceedingly long. Sometimes they have thirty hours of continuous work followed by several days of idleness. The stevedores allow that the value of the work decreases with the length of time worked, but they object to the employment of different shifts on the ground that the work is done best if the men who begin upon a cargo finish it, and that the men themselves prefer it. Several disputes occurred over the question of "breaks"; the men demanded two when engaged in night-work, and have in most cases received a quarter of an hour at 9.30 p.m., an hour at midnight, and half-an-hour at 5 a.m. Those engaged from 7 a.m. to 5 p.m. have an hour for breakfast and an hour for dinner.(2)

4. Tramway men. Wages.

In South Australia, where tramways belong in many instances to the Government, the employés have formed a union together with the railway servants, whilst those not in Government service have formed a Tramway Employés' Association. This association, after a prolonged struggle, has secured a weekly wage of 2*l.* 7*s.* 6*d.* In the Dunedin City and Tramway Company's service, New Zealand, the wages of conductors vary from 1*l.* 7*s.* 6*d.* to 1*l.* 12*s.* 6*d.*, with a commission of threepence in the pound.(3)

Hours.

The South Australian Tramway Employés' Association succeeded in reducing the former excessive hours to eight, and in securing six holidays a year. In New Zealand conductors gave evidence that their hours of work were very long, and often left no time for meals, and that they seldom had a Sunday off. The manager of the Dunedin and Suburban City Tramways produced a time-sheet showing that on one road there were fourteen shifts. The first was from 6.55 a.m. to 2.54 p.m., and again from 4.40 p.m. to 6.4 p.m., leaving therefore an interval of nearly two hours for a meal. The second shift was from 2.54 to 11.15 p.m. without a break. The longest working hours were from 7.5 a.m. to 8.5 p.m. on Saturdays, with an hour for dinner and an hour for tea). The manager stated that every man has two Sundays off in fourteen weeks, and on a third Sunday has only to do two "tea relieves" (work whilst the regular employés are at tea. The men, on the other hand, declared that the average hours were fifty-five a week, exclusive of Sundays, and one man stated that he had worked five hours every Sunday for thirteen weeks. An ex-conductor gave evidence that while in the employ of that company he had on successive days worked from 6.30 a.m. to 9.30 p.m., from 7.20 a.m. to 12.0 p.m., and from 8.0 a.m. to 8.30 p.m. On holidays all the employés work throughout the day without any relief for meals. One man stated that his regular hours had been nine and seven a day alternately, but that on a holiday he worked without a break from 7.25 a.m. to 9 p.m.(4)

Competition amongst tramway companies induced them to attempt to diminish expenses by lengthening the hours of the men. In the Wellington 'Bus Company, however, no work is done on Sundays, and no driver or conductor works more than nine hours.

Fines.

Conductors on the Dunedin and Suburban City line also complain of the system of fines. The same man who gave evidence as to holiday work also stated that he had been fined 2*s.* 6*d.* for refusing to take his car out again after 9.0 p.m., and 1*s.* for neglecting to put up the advertisement board. Another conductor stated that the fines averaged 2*s.* a month for each man, but according to the manager they only amounted to 8*l.* 5*s.* a year in all.(5)

5. Agriculture. a. System of land tenure.

Under the Land Act of 1890, pastoral lands are leased in Victoria in allotments capable of carrying from 1,000 to 4,000 sheep and 150 to 500 head of cattle, for any term not exceeding 14 years from December 1884. The rent of these allotments is computed at 1*s.* per head of sheep, and 5*s.* per head of cattle. On the expiration of the lease the lessee is paid by the incoming tenant for the value of all improvements. The lessee may purchase 320 acres as a homestead during the currency of his lease. Agricultural and grazing lands are leased in areas not exceeding 1,000 acres for the same term of years; at the end of the term the land reverts to the Crown, and an allowance is made for improvements. Agricultural allotments, not exceeding 320 acres, may be selected after the issue of a grazing lease, which must be improved during the first five years to the value of 1*l.* an acre. The holder pays rent at the rate of 1*s.* an acre, and at the expiration of six years may purchase his holding at 14*s.* an acre, or lease it at 2*s.* an acre for fourteen years, after which it becomes freehold. In New South Wales the territory is divided into three zones, eastern, central, and western. The maximum territory allowed in the eastern division is 640 acres, in the central 2,560. In addition to the selection an area, not to exceed three times that of the selection, may be leased at an annual rental with right to purchase during the currency of the lease. A first payment of 2*s.* an acre must be made in advance, and after an interval of three years the next instalment of 1*s.* an acre is payable. In Queensland the maximum area which may be selected is 100 acres for homesteads and from 320 to 1,280 for other selections. The selector occupies the land under a licence at a rental of not less than 3*d.* an acre. If he complies with conditions as to fencing and similar matters, he may obtain a lease for fifty years, and his rent will be fixed by the Land Board every five years. He may purchase at not less than 20*s.* an acre on proving residence for five years, rent already paid being reckoned as purchase money. In South Australia leases with the right to purchase are issued for twenty-one years, and the purchase may be made after six years' rental, at not less than 5*s.* an acre. In the South-western district of Western Australia the maximum area which may be selected is 100 acres, but in the other divisions of the Colony, land may be taken up by selectors, who need not reside, in areas of from 100 to 5,000 acres at not less than 10*s.* an acre, payable in ten yearly instalments. If selections are made without residence in the South-western Division, double the amount must be paid. Selections may be made in New Zealand of not more than 620 acres of first class, or 2,000 acres of second class land; the price varies from 5*s.* to 40*s.* an acre. Deferred payment is permitted at 25 per cent. advance on cash prices, and perpetual leases are granted for thirty years with right of renewal for twenty-one years at a rental of 5 per cent. on the cash price. A Bill has, however, been introduced into the New Zealand Parliament, which is designed to take away the right of purchase in perpetual lease. (6)

b. Tendency of the land legislation.

It will be seen that the above legislation aims at putting the land into the hands of *bonâ fide* farmers, and preventing non-residence and the acquisition of large estates. The more advanced thinkers in Australia attribute the unsatisfactory relations existing between labour and capital to the present land system, and propose to remedy it either by a land tax, or by the nationalisation of the land. In a memorandum presented by Mr. Johnston to the Royal Commission on Strikes, New South Wales, the prevalence of strikes is attributed to the fact that production is too heavily taxed to allow of a fair rate of wages. This might be remedied, in the writer's opinion, by doing away with all charges for freight on the railways, and by taxing the annual value of land exclusive of improvements. Such a measure would encourage producers to take more land into cultivation. Another witness stated before the Commission that land dominated the rate of wages and spoke in favour of a land tax. Mr. Dibbs, on the other hand, thought that a land tax would not touch the great capitalists, and that it would hinder cultivation. On behalf of the nationalisation of land, Mr. W. H. Bundey, Judge of the Supreme Court of South Australia, argues that it is a fundamental error for the State to part with the land, since the State can best apportion it. It is, in his opinion, desirable that agricultural land should be in the hands of genuine farmers, and he would gladly see the large estates "burst up" with fair compensation to the present holders. Consequently he advocates that the alienation of Crown lands should entirely cease, that the agricultural portion of the Colony should be divided into areas classified as good, indifferent, or inferior, and that the holdings in each area should be limited according to the quality of the land. Rent should be paid to the State half-yearly, and as long as it is paid there should be absolute certainty of tenure. The

(1) Report of Royal Commission on Strikes, New South Wales, 1890: Précis, pp. 16, 18, 117; Appendix, p. 17.
(2) Report of Royal Commission on Strikes, New South Wales, 1890: Précis, pp. 15, 18, 19.
(3) Report of Royal Commission on Sweating, New Zealand, 1890, p. 13.
(4) Report of Royal Commission on Sweating, New Zealand, 1890, pp. 12, 17, 19, 68, 78.
(5) Report of Royal Commission on Sweating, New Zealand, 1890, p. 13.

(6) Victorian Year Book, 1890-1, Vol. II., pp. 240, 241, 245, 246.

holder should have power to sell the goodwill, right of occupation, and improvements of his land.(1)

c. Corn-growing.

Corn-growing is not as yet of the same value to the Australasian Colonies as the breeding of sheep and cattle, but with the spread of irrigation it will probably increase. Wheat is principally cultivated in South Australia, Victoria, and New Zealand, oats in Victoria and New Zealand, barley in Victoria, and maize in New South Wales and Queensland. The value of agricultural produce throughout Australia in 1890–91 is estimated at 76,000,000*l.* Within recent years irrigation colonies, on the model of those established successfully in Southern California, have been formed at Mildura in Victoria and Denmark in South Australia, for the purpose of fruit growing. The land is granted to cultivators in blocks of one square mile and upwards, and the colony, as a whole, shares in the expenses of the irrigation works, which fertilise the whole domain. Upwards of ninety miles of main irrigation have already been constructed, with a hundred and forty miles of subsidiary channels, and some six or seven thousand acres of fruit orchards planted. The results already achieved after four years of existence are remarkable, and it is proposed to found an Agricultural and Horticultural College to promote improved methods of culture. Wages paid to agricultural labourers in Victoria for 1890, averaged 22*s.* 1*d.* a week for ploughmen, 11*s.* 11*d.* for female servants, 19*s.* 9*d.* for farm labourers, 32*s.* 6*d.* for mowers, 25*s.* 8*d.* for married couples, and 30*s.* 4*d.* for reapers. In all these cases rations were also given; threshers and hop-pickers, who are paid by the bushel, do not receive rations, and get 9*d.* and 3½*d.* a bushel respectively. In 1891 these wages had decreased from one to three per cent., except in the case of married couples and dairy maids, whose wages showed a small increase.(2)

d. Pastoral industry.

The importance of the pastoral industry is shown by the fact that there are in Australia and New Zealand 116,037,360 sheep, and 10,953,551 cattle, whilst the capital invested in the industry amounts to 300,000,000*l.* About 50,000 persons are employed in ordinary pastoral labour, whilst in the shearing season this number is doubled. The total amount of wool produced in New Zealand and Australia in 1889 was 535,435,633 lbs., worth 21,887,574*l.*, viz., 49,500,000 lbs., more than to 1888. In 1890–1, 618,052 bales of wool were exported from Australia, 83 per cent. of which were shipped to London. Nevertheless, the profits of the industry have greatly diminished in recent years, and the Governments of the different colonies are endeavouring to let their land in smaller areas and to encourage the growth of food-stuffs and the rearing of cattle. This diminution in the profits of pastoralists has been brought about in part by changes in the land laws. Settlers, who took up large areas when land was cheap, thinking that they would have the pre-emptive right to other large tracts, find that the loss of this right has diminished the value of their holdings. Indeed, station property is said to have decreased 50 per cent. in value during the last few years. Again, other settlers have suffered much loss from rabbits and marsupials; though one squatter spent 10,000*l.* on wire netting, he lost his sheep through allowing one hill to remain unfenced. In 1890–1 the Victorian Government spent 37,000*l.* in attempting to exterminate rabbits on the Crown lands. Losses by drought have also been very great in some years, and under the present land laws flocks and herds cannot be so easily moved from one place to another according to the water supply. The danger of drought is, however, being met by extensive irrigation works. In 1890 an Act was passed in Victoria regulating the supply of water for irrigation and for manufacturing purposes, and in June 1891, there were twenty-eight Irrigation and Water Supply Trusts with jurisdiction over 2,711,849 acres of land. The frozen meat industry in Australia, and especially in New Zealand, is largely on the increase, and will probably do much to restore prosperity to the pastoral industry.(3)

Wages of shearers.

Many of the shearers are small farmers and squatters, who add to their yearly income by hiring themselves out in the shearing season. Shearers are paid 20*s.* for every 100 sheep shorn, with double the price for rams, and average from 70 to a 100 sheep in a full day's shearing. According to the agreement drawn up at a conference in Sydney after the strike of 1891 (*see* p. 29), between the Federated Pastoralists and the Amalgamated Shearers' Union rations are to be supplied to the shearers at not more than 10 per cent. above cost price. If a shearer is discharged before the end of the season, he is to be paid in full for all sheep shorn, but 18*s.* a week may be deducted from his wages in payment for board supplied to him. The pastoralists state that the average weekly wages of shearers amount to 4*l.* or 5*l.* 10*s.* a week. Mr. Glassey, of the Australian Labour Federation, in a speech delivered in the Queensland Legislative Assembly after the strike, quoted an employer as stating that the pastoralists intended to reduce wages for general labourers from 30*s.* to 25*s.* a week, and that, were it not for the labour unions, the wages of shearers would be at the rate of 3*s.* instead of 4*s.* a score, whilst those of general labourers would be 15*s.* instead of 30*s.* He did not, however, bring forward much evidence to prove his statement.(4)

C.—Clothing and Miscellaneous Trades.

1. The clothing trades.

a. Sweating system.

Much attention has of recent years been directed to the condition of employés engaged in the clothing trades owing to repeated assertions of the existence of "sweating" in the great towns of Australia. Royal Commissions have inquired into the matter in Queensland, South Australia, and New Zealand, whilst in Victoria an inquiry was made by the Chief Inspector of Factories. In New South Wales the Government Statistician is empowered by the Census and Industrial Returns Act of 1891 "to inquire into the industrial condition of the people." The result of these various inquiries has been to establish the fact that sweating in what is called "the London sense" does not exist in Australia, but that sweating, as defined by the Chief Inspector of Factories for Victoria, has reduced some workers in the clothing trades to a most unsatisfactory condition. His report defines sweating as "taking "advantage of the necessities of the poorer or more "helpless class of workers by forcing them to work "too hard, or too long, or under insanitary conditions, "or for starvation wages, or exacting an undue profit "out of their labour."(5)

In New South Wales.

According to evidence given before the New South Wales Commission on Strikes, 1890, the low wages paid, and long hours worked, in the clothing trades result from the fact that work is undertaken by large firms, and then often sublet to individuals to be completed by themselves or their employés. These work at home, and, consequently, for less pay and for longer hours than employés in factories.(6)

In South Australia.

The Commission appointed in 1892 to report on the condition of employés in shops and factories in South Australia, inquired especially into the condition of employés in the clothing trades. Frequent charges of "sweating" were brought by witnesses against special firms, but further investigation usually proved them to be groundless. The Commission were, however, of opinion that "working for rates of remuneration so "low that hard work is necessitated to secure the "barest existence" was not infrequent in Adelaide, especially amongst shirt-makers. On the other hand, they found that in the clothing trades generally the buildings used as factories or workshops were for the most part convenient and not overcrowded. The only serious complaint concerned the absence of any heating apparatus in many cases, but on this matter the witnesses displayed a curious apathy, acknowledging that though they suffered from the cold they had never complained, and that they did not suppose their employers could alter the state of things if they wished. One witness declared that he knew of places in certain streets where employers engaged children as learners, kept them till they were fairly competent, and then dismissed them. The children never earned more than 4*s.* a month, and were kept for about six months. These cases were, however, not verified, and two members of the Commission were of opinion that there was no sweating in Adelaide.(7)

(1) Victorian Year Book, 1890–1, Vol. II. p. 401. Report of Royal Commission on Strikes, New South Wales, 1890, Appendix p. 30: Précis, pp. 103, 106. "Reform" pamphlet by W. H. Bundey, 1889.

(2) Imperial Institute Year Book, 1892, p. 501. Victorian Year Book, 1890–1, Vol. II. pp. 315, 321. New Zealand "Insurance, Mining and Finance Journal," December 1891.

(3) Official Statement of Pastoralists' Federal Council, 1891. Report drawn up by Mr. Allan on the Shearers' Strike. Report of Royal Commission on Strikes, New South Wales, 1890: Précis pp. 106, 108. Victorian Year Book, 1890–1, Vol. II., pp. 299–301, 321, 327. Journal of the Royal Colonial Institute, March 1893. Perceval, "Farming and Labour in New Zealand," pp. 3–29.

(4) Official Statement of Pastoralists' Federal Council. Report drawn up by Mr. Allan on the Shearers' Strike. Debates in the Legislative Assembly, July 9th, 1891.

(5) Report of Royal Commission on Shops and Factories', South Australia, 1892, p. vi. Report of Royal Commission on Sweating, New Zealand, 1890, p. 3. Report of Royal Commission on Shops and Factories, Queensland, 1891, pp. xli., xlii. Reports of the Government Statistician, New South Wales, 1891–2, Nos. 1–7, p. 6. Report of Inspector of Factories on Sweating, Victoria, 1890, p. 4.

(6) Report of the Government Statistician, New South Wales, 1891–2, Nos. 1–7.

(7) Report of Royal Commission on Shops and Factories, 1892, pp. 6 12, 60, 62, 154, 167.

In Victoria

In 1885 a Factories' and Shops' Act was passed in Victoria requiring the registration of all factories and workrooms where six or more workpeople were employed. It contained provisions with regard to the cubic space to be allowed, and the guarding and fencing of machinery. It further provided that a record must be kept of the names and ages of all employés, and that those under fifteen must obtain State school and medical certificates. The annual reports of the chief inspector appointed under this Act show that, on the whole, it works satisfactorily. The sanitary regulations, and the restrictions as regards hours of work, are complied with, and only a few firms take advantage of the permission to make application for leave to work overtime in the busy season. Fourteen out of forty factories where women are employed made such application during the year ending 31st December 1888. The regulations as to the employment of children have caused some difficulty. Many children pass the required standard at thirteen years of age, but before they can be engaged in a factory they need certificates for which their parents are either unable or unwilling to pay. Boys, therefore, become messengers, office boys, or newspaper sellers until they are fifteen years old, when they can go to work in a factory without a certificate; employers, however, complain that they are then less easy to teach. In other cases children work in the factory until the visit of an inspector makes it necessary to produce a certificate, when they leave. The existence of this system of factory inspection is, however, a check upon sweating, which can scarcely be shown to exist in Victoria, except, perhaps, in the bag-making and a few such industries. This industry employs unskilled labour at a miserable remuneration. One woman, who made rough canvas bags at 3½*d.* a dozen, stated that by working hard she could earn 1*s.* 3*d.* a day. Another woman, who bound slippers at home, received 1*s.* 3*d.* a dozen, and with the help of her daughter could only earn 1*l.* a week. In these instances the women worked at home, and the chief inspector states that little can be done for outside workers until they have formed a union amongst themselves, and agreed not to accept less than a fair remuneration. At present about one-third of the workers are not absolutely dependent upon their own exertions. Consequently they take work at rates which will not afford a decent livelihood to those who have no other means of support.(1)

In New Zealand.

In consequence of a series of letters which appeared during 1889 in the Otago "Daily Times," a voluntary committee was appointed in Dunedin to inquire into the subject of sweating. It was found that female workers were very badly paid, and that this was the result of a gradual diminution in wages extending over a period of several years. The great competition between warehousemen, together with the existence of contractors and the over abundant supply of labour, made it difficult to bring about a reform. The work was let to the contractors, and again sub-let by them to the workers on terms which hardly afforded the means of subsistence. After a vain attempt to induce the warehousemen to accept a tariff, and to compel the contractors to adhere to it, the committee resolved to organise a union amongst working women, and to petition for legislation with regard to the conditions of their work. In 1890 a Royal Commission was appointed to inquire into the matter in Dunedin, Christchurch, Auckland, and Wellington. Their investigations showed that in the larger factories and workshops the employés were well treated, but that in certain smaller factories very low wages were paid, and the provisions of the Employment of Females' Act were evaded. This Act, passed in 1873, limited the hours of work for women to eight on five days in the week, with a half holiday on Saturday. Nevertheless, it was shown that in some establishments women were kept at work until four or five on Saturday afternoon in direct contravention of the Act. The inspector of factories stated before the Commission that the evil of forcing girls and women to take work home still existed, and that though such work was supposed to be voluntary, refusal to undertake it had resulted in dismissal. In Auckland especially the Act was said to be almost a dead letter. Many witnesses stated that the reduction in wages between 1885 and 1890 was to a large extent due to the outside workers, who were so anxious to get work that they went round to the manufacturers and offered to take it at very low prices. As in Victoria bag-making showed the lowest average of prices. The rate in 1889 varied from 1*s.* 6*d.* to 2*s.* 6*d.* a gross according to the size, and the workers had to find their own cotton; in 1890 the price was reduced 3*d.* a gross owing to competition. One woman engaged in the trade stated that she just made from 18*s.* to 1*l.* clear profit in the week.

On the whole, therefore, it would appear that, except in isolated instances, there is little ground for supposing that sweating is carried on in Australia. Though wages in the clothing trades are comparatively low, the conditions of labour are by no means such as are usually associated with the term "sweating system."(2)

b. Tailoring.

There are four unions in connexion with the tailoring trade in Sydney, the Cutters' and Trimmers' Union, the Amalgamated Journeymen Tailors' Association, the Pressers' Union, and the Tailoresses' Union. In the latter case great difficulties have been encountered in the process of organisation owing to the opposition of the employers. Employés complain that they have suffered dismissal because of their connexion with the union, while in other cases the employers are said to prevent their employés from attending the meetings by keeping them late or compelling them to take work home on those nights. A Working Women's Trade Union, formed for South Australia in 1890, is said to have raised the wages of tailoresses.(3)

Wages.

Wages are fixed in the tailoring trade by the "logs" of the Tailors' Union and the Tailoresses' Union. In New South Wales the variation in prices affects the rate, and this variation is partly due to the keen competition between English and Australian-made goods. Imported goods meet with the readiest sale when they are of such a kind that the cost of making bears a high proportion to the total value, but where the material is more valuable, the local manufacturers hold their own. Purchasers are willing to pay from ten to fifteen per cent. above the English prices for home manufactured goods. The difference in cost of making between the two may be illustrated as follows:—

		s.	*d.*		*s.*	*d.*
A sac coat	in London	2	6	to	3	6
" "	" Sydney	6	6	"	7	0
Tweed trousers	" London	1	2	"	1	6
" "	" Sydney	1	9	"	2	6
Tweed suits	" London	5	6	"	6	6
" "	" Sydney	10	6	"	12	6

The grades of work are so numerous, and wages are paid according to so many different scales, that it is difficult to estimate the average earnings. For 1891-2, however, a tailor seems to have earned 2*l.* 12*s.* for every week that he worked, but as there are at least eight weeks compulsory idleness in the year the average should be further reduced to 2*l.* 4*s.* According to the evidence of Mr. Peter Strong, President of the Tailoresses' Union, this idleness was often voluntary, especially amongst those who work for contractors. Mr. Strong, who had been a member of a committee appointed by the Journeymen Tailors' Association to inquire into the sweating system, gave evidence of the existence of a class of Jews, who undertook work and employed women to perform it at wages much below those asked by members of the unions. This was especially the case with Government contracts, which were almost always let out to middlemen. Thus whilst a tailor employed in a factory would get 29*s.* for a military coat, a master sweater would get 12*s.*, and would pay the actual maker only 8*s.* To make such a coat would require twenty-nine hours work, and the Tailors' Union fixes wages at 1*s.* an hour. Mr. Strong urged that Government should erect a factory and that all such contract work should be done under Government supervision. Again, though a pair of trousers was a good day's work, women made them for 2*s.* or 2*s.* 6*d.* a pair; railway porters' trousers were made for 1*s.* a pair, and one woman stated that she herself and two daughters could only make 2*s.* 8*d.* a day by working twelve hours. The wages paid to women are often much lower than those paid to men. In one shop, which received Government contracts, the contractor paid his men 18*s.* to 21*s.* for military coats and 7*s.* for trousers, while a woman only received 2*s.* for trousers. Mrs. Powell, a tailoress, stated in evidence before the Commission on Strikes that girls were obliged to work several weeks before they received any wages. After-

(1) Reports of the Chief Inspector of Factories, Victoria, 1888, pp. 3, 5; 1889, p. 5; 1890, pp. 4 6, 8, 9.

(2) Report of Royal Commission on Sweating, New Zealand, 1890, pp. iii., iv., 8, 15, 23.

(3) Report of Royal Commission on Shops and Factories, South Australia, 1892, p. 158. Report of Royal Commission on Strikes, New South Wales, 1890: Précis, pp. 259, 277.

wards they were paid 2*s.* 6*d.* and finally 5*s.* a week. The highest wages paid to tailoresses are 2*l.* a week; in a sweating shop the highest rate is 16*s.* It is two years before a tailoress is competent to make a coat, and during that time she never receives full wages. Home workers, who are for the most part women, average from 20*s.* to 22*s.* 6*d.* a week. According to the report of the Government Statistician complaints with regard to sweating are greatly exaggerated. A visit to eighteen of the so-called Jewish sweating dens showed that the wages of an apprentice ranged from 2*s.* 6*d.* to 15*s.* a week, those of men from 25*s.* to 80*s.* with an average of 51*s.*, and those of women averaged 24*s.* 6*d.*(1)

Wages in South Australia are fixed by the Tailors' Unions. The average weekly earnings of sixty workpeople employed by one tailor were 15*s.*, the highest being 30*s.* Five shillings were paid for a pair of "best" trousers (on order) and 1*s.* 9*d.* for a pair of stock trousers or a vest. Another tailor stated that a man could earn 4*l.* a week if he could always have "best" work. (2)

In Victoria there is a constant demand for women workers, whilst men are unable to find work. In 1887 there were 225 registered clothing factories, employing 1,332 men and 4,948 women. Men employed as tailors earn about 50*s.* a week on order work; women are mostly employed in the shop trade and earn from 15*s.* to 25*s.* Outside work is, as a rule, done from 30 to 40 per cent. cheaper. Finishers are the worst paid; a good worker, working twelve or thirteen hours a day, cannot make more than from 10*s.* to 11*s.* One woman examined by the Victorian factory inspector was paid 11*d.* for making a waistcoat and could only earn 1*l.* a week, after working fourteen or fifteen hours a day.(3)

In New Zealand the Tailoresses' Union of Dunedin succeeded in raising wages from 12½ to 20 per cent. The wages paid to an apprentice according to the union's "log" are from 2*s.* 6*d.* to 12*s.* a week. A fully qualified worker gets from 15*s.* to 30*s.* for a week of forty-eight hours, but before the log prices were introduced many hands only earned 10*s.* a week. The price for machining coats varies from 1*s.* 8*d.* to 2*s.* 9*d.*, whereas formerly it was from 1*s.* 4*d.* to 2*s.* 3*d.*; machining trousers is now done at from 5*s.* 6*d.* to 7*s.* as against 5*s.* formerly. The price for finishing trousers has been raised 2*s.* a dozen. Outside workers are paid much less. One employer said that he could get work done at from 1*l.* to 2*l.* 10*s.* cheaper by outside workers; in one case a woman who made drill trousers at the rate of one pair in an hour and a half was said to receive 2*s.* 6*d.* a dozen.(4)

Mr. Strong stated that the hours worked in the clothing factories of New South Wales were 8½ a day with 4½ on Saturdays; where overtime was worked, it was paid at the rate of a time and a half. In some workshops, however, girls were kept very late and had been seen coming out at 11 at night. Mrs. Powell stated that in one establishment, where she had worked, the hours were from 8.45 a.m. to 6 p.m., and on Fridays to 10 p.m. No extra payment was made for the overtime, but the girls received some tea and bread and butter when they stayed till 10 p.m. In South Australia the hours of work are as a rule satisfactory, seldom exceeding eight, and overtime is exceptional. The evidence of several witnesses in New Zealand pointed to very long hours in the tailoring trade. A boy of seventeen said that his master had frequently made him go to work at 5 a.m. and remain until 9 p.m. Another tailor stated that his working hours were from 8 a.m. to 6 p.m., but that he was often kept until 10 or 11 p.m., whilst a third witness declared that he had been kept at work all night on Fridays. In the last case the men were paid by the piece and could earn from 3*l.* to 5*l.* a week on such work. An Auckland employer was alleged to give his employés work to take home and to keep them at work on Saturday afternoons in a locked attic where they would not be detected by an inspector, but this was denied by the employer and by others of the employés.(5)

Mr. Strong condemned some of the workshops in New South Wales as unfit for girls to work in, but the report of the Government Statistician shows such cases to be exceptional. He examined eighteen factories and forty-three workshops with a view to testing the cubic space, ventilation, cleanliness and light. None of the factories were condemned as "bad" in any of these particulars, though five were declared "inferior" as to space, three as to cleanliness and six as to light. Of the workshops nineteen were classed as "inferior" in regard to space, and eighteen in regard to cleanliness. In twenty the ventilation was insufficient, and in twenty-eight the light was unsatisfactory. Four were "bad" as regards ventilation, whilst five were "bad" and one "very bad" as regards cleanliness. In most workrooms there was no means of supplying warmth in winter, and the statistician notes that all these causes of complaint are of long continuance, and that it is vain to hope for a remedy from the voluntary action of the parties concerned.(6)

c. Dressmaking. Wages.

The wages of dressmakers in the retail shops of New South Wales vary from 7*s.* 10*d.* a week on an average for the least skilled workers to 37*s.* for skirt-makers and 71*s.* for a head dressmaker. In dressmaking establishments wages are about 10 per cent. lower, but they vary greatly in different shops according to the skill and competence of the worker. Dressmakers working at home, if assisted by other members of their family, can earn on an average 39*s.* 9*d.* a week. Those who live in the country earn somewhat better wages and work in better ventilated rooms than the workwomen in cities. In 1887 48 men and 2,428 women were engaged in the dressmaking and mantle-making industries of Victoria. Apprentices are usually taken on at first without wages: afterwards they receive 2*s.* 6*d.* a week and finally rise to 5*s.* Ordinary hands earn from 15*s.* to 25*s.* a week, and experienced hands from 30*s.* to 40*s.* The work is, however, often sublet by contractors to women, who for domestic reasons or from weak health are obliged to work at home. The competition for this home work obliges the workers to be satisfied with very low wages.(7)

Hours.

The hours of work in New South Wales are generally from 9 a.m. to 6 p.m., with an interval of three-quarters of an hour or an hour at mid-day. Even home workers only work more than forty-eight hours a week in exceptional cases. A certain amount of overtime work is generally required at special seasons, such as Christmas or Easter, and is often due to the carelessness of customers, who neglect to give their orders in good time. Payment for overtime is seldom offered, though assistants are fined half-a-day's pay in some establishments if they are late. The rule of an eight hours' day is generally observed in Victoria.(8)

Sanitary conditions.

Seventeen establishments in Sydney, in which dressmaking is carried on in connexion with retail shops, were inspected by the Government Statistician. One was declared to be "bad" as regards cubic space, and another as regards sanitary arrangements. The light, ventilation, and space were inferior in three or four, whilst in about half of the others all arrangements were considered good and in the rest fair. Nineteen establishments where dressmaking alone was carried on were inspected and the arrangements declared to be satisfactory.(9)

d. Millinery. Wages.

In milliners' shops girls usually serve from one to two years as apprentices and from one to four years as improvers; only four cases were found in which apprentices were paid from the beginning. As a rule they receive 2*s.* 6*d.* after the first half-year, and are then advanced to 5*s.* Improvers are paid from 4*s.* to 15*s.* a week; the employers give the average as 8*s.* 6*d.*, and the employés as 7*s.* 1*d.* The wages of assistants are from 15*s.* 5*d.* to 17*s.* 8*d.* a week, and of forewomen 1*l.* 16*s.* 8*d.* Milliners' assistants usually reside with their parents, and are not entirely dependent upon their trade; wages in consequence do not rise to a very high level.

Hours.

The hours of work as a rule do not exceed eight; overtime is very rare.

Sanitary conditions.

Out of twenty-seven millinery establishments which were inspected, about half were pronounced good as regards accommodation, though in nineteen the heating

(1) Reports of the Government Statistician, New South Wales, 1891-2, Nos. 1-7, pp. 3-6. Report of Royal Commission on Strikes, New South Wales, 1890, Précis, pp. 257. 259. 277.
(2) Report of Royal Commission on Shops and Factories, South Australia, 1892, p. 180.
(3) Report of the Chief Inspector of Factories, 1886, pp. 7, 8, 9.
(4) Report of Royal Commission on Sweating, New Zealand, 1890, pp. 8, 23, 57.
(5) Report of Royal Commission on Strikes, New South Wales, 1890, Précis, pp. 258, 259, 277. Report of Royal Commission on Sweating, New Zealand, 1890, pp. 54, 61, 66, 77.
(6) Report of Royal Commission on Strikes, New South Wales, 1890, pp. 258, 259. Reports of the Government Statistician, New South Wales, 1891-2, Nos. 1-7, pp. 2, 9.
(7) Reports of the Government Statistician, New South Wales, 1891-2, Nos. 1-7, p. 11. Report of the Chief Inspector of Factories, Victoria, 1890, p. 9.
(8) Reports of the Government Statistician, New South Wales, 1891-2, Nos. 1-7, p. 10. Report of the Chief Inspector of Factories, Victoria, 1890, p. 9.
(9) Reports of the Government Statistician, New South Wales, 1891-2, Nos. 1-7 p. 9.

arrangements were insufficient, and in four light and ventilation were poor.[1]

e. Shirt-making. Wages.

Shirt-making and similar work is generally carried on in factories. The average weekly wages of fifty operatives examined by the Government Statistician were 5*s.* for improvers, 8*s.* 10*d.* for finishers, or 13*s.* 6*d.* if they are on piece-work; 16*s.* 2*d.* for machinists with 12*s.* 8*d.* if they are on piece-work. In five establishments examined 318 hands were found to receive on an average 11*s.* 10*d.* each a week. Any employé who does not complete the required amount of work in a week is put on to piece-work. Women who work at home can make 14*s.* 9*d.* a week in all, but 3*s.* a week must be deducted for travelling and other expenses. The wages of these home-workers fluctuate greatly; in some cases they are only 6*s.* a week, and in others as much as 37*s.* In Adelaide there is a large amount of sub-letting in connexion with the shirt-making industry, and where this practice prevails wages are much reduced. Wholesale houses pay from 4*s.* to 9*s.* a dozen. Learners are paid from the beginning, and receive in a few cases 2*s.* 6*d.* a week, but generally 5*s.*, rising to 10*s.*; in one factory the average was 7*s.* 6*d.* A machinist or finisher gets from 12*s.* 6*d.* to 25*s.* a week. The large firms prefer the system of piece-work. In Victoria shirt-making is worse paid than any other kind of home work. Finishers get from 9*d.* to 1*s.* a dozen, and have to provide their own needles and cotton. It was found upon examination that sixteen women working 55·6 hours could only earn on an average 11*s.* 3*d.* each a week. In New Zealand the price paid for shirts varies from 2*s.* 3*d.* to 2*s.* 8*d.* a dozen, and a good hand can earn 15*s.* or 18*s.* a week.[2]

Hours.

The hours of work in New South Wales are from 8.45 a.m. to 6 p.m. on five days, with half-an-hour for lunch; on Saturdays work ceases at 1 p.m. Women who work at home average fifty-eight hours, but in some cases their week's work includes seventy-eight hours.

Sanitary conditions.

The accommodation in the shirt-making factories of New South Wales is on the whole satisfactory, though a few exceptions were found to this rule.[3]

f. Boot-making. Wages.

The manufacture of a somewhat inferior class of boots and shoes is one of the principal industries of New South Wales; in 1891 this industry employed in all 2,806 hands. The average wages for women are 23*s.* 1*d.* a week, for apprentices 7*s.* 2*d.*, and for men from 42*s.* 7*d.* to 53*s.* 4*d.* according to the nature of their work. The rate of wages, however, fluctuates very greatly. About a dozen factories give out work which is paid by the piece; men earn from 45*s.* to 70*s.* a week on this system and women 25*s.* The Bootmakers' Union in this colony only includes makers and finishers, who are a minority of those engaged in the trade. An attempt to organise the women workers proved a failure. The union introduced a revised "log" of prices, which did not give unqualified satisfaction; several disputes arising out of it have been referred to the arbitration committee of the union. In Queensland and South Australia bootmakers possess strong organisations. The majority of the Brisbane factories are conducted in accordance with the union rules, and there is a uniform rate of wages. A good workman will average 2*l.* 10*s.* a week. Boys must be properly indentured and receive 5*s.* a week for the first year, with an advance of 2*s.* 6*d.* a week in each of the three succeeding years. In South Australia wages are higher than in Sydney, but trade is often slack. The average weekly earnings of a good workman are 2*l.* 5*s.* The South Australian Union has established a Board of Conciliation, but a similar proposal on the part of the Queensland Union was unfavourably received by the employers. In New Zealand the unions in the principal towns have not been entirely successful in regulating the trade, though they have obtained a uniform rate of wages in the factories which work under their rules. The minimum wages of "clickers" are 1*l.* 5*s.* a week, and of finishers 2*l.* 3*s.* Apprentices are not always properly indentured: they begin at 5*s.* a week and rise finally to 1*l.* in their last year.[4]

Hours.

In the New South Wales factories eight hours a day is the rule, but in some cases the hours are fifty a week. In New Zealand employés formerly were often obliged to take work home, but this practice has been checked by the unions.

Sanitary conditions.

About twelve of the New South Wales factories are of recent structure and provide good accommodation. A number of others are mere sheds, in which the work-people are crowded together and are deficient in conveniences of every kind. The New Zealand employés complain that in many factories the ventilation and general accommodation are bad, and that these factories are never visited by the inspector.[5]

2. Shop assistants. *a.* Early closing agitation.

Much attention has been paid in Australia and New Zealand to the long hours worked by shop assistants. As early as 1883 an agitation on this subject was begun in Melbourne, where it was stated that the number of shop assistants reached 18,600. Two societies were organised under the names of the Salesmen's Union and the Early Closing Association. The pressure brought to bear upon the public and the shopkeepers resulted in the closing of many shops at 7 or even 6 o'clock instead of 9. However, the action of a few shopkeepers who persisted in keeping their shops open in spite of public opinion caused the others to revert to the longer hours. A wide-spread conviction that nothing short of legislation could deal with the subject adequately led to the appointment of a Commission of Inquiry in 1883. An Early Closing Association was formed amongst the 1,500 shop assistants employed in Brisbane in 1889, which endeavoured by all means in its power to reduce the hours in shops. Meetings were held, and the support of the mass of employés as well as of a large number of the public obtained, whereupon delegates were appointed to extract a promise from all shopkeepers to close at 6 p.m. every day including Saturdays. In almost every case the promise was given, but in the majority of cases it was quickly broken, sometimes after one or two nights. This result was again brought about by the action of a few, for though the public at first supported the agitation and refrained from late shopping, especially on Saturdays, they soon reverted to their old practices when they found the shops open. The association, therefore, fell back upon the Legislature and obtained the appointment of a Commission of Inquiry. A similar Commission was appointed in the spring of 1892 for South Australia. In New Zealand there is an Early Closing Association amongst shop assistants in Dunedin, and the Commission appointed in 1890 to inquire into the sweating system took evidence as to the hours worked in shops.[6]

6. Hours of shop assistants.

It was stated that drapers' shops in New Zealand opened at 8.30 a.m., and that the assistants went home at 6 p.m. or 8 p.m. alternately. Hair-dressers were at work from 8 a.m. to 10 p.m., or on Saturdays till midnight. Toy shops and fancy shops were kept open from 8 a.m. to 10 p.m. and chemists' shops from 8 a.m. to 9 p.m. In steam laundries work is carried on from 8 a.m. to 6 p.m. with only half an hour for dinner. Several boys employed in the milk trade stated that they had to rise at 3.30 every morning, and were employed all day until 7 or 8 p.m.

In Queensland much evidence was taken as to the hours during which shops remain open, and most employés were of opinion that legislation was the only means of attaining their end. They complained that working long hours by gaslight, as they were forced to do on Saturday nights, was most injurious to their health, especially in such a climate as that of Queensland, and a medical man gave it as his opinion that no shop assistant should work more than nine hours a day. In the Brisbane drapery establishments the hours were in many cases found to be comparatively short, except on Saturday, when the shops are kept open till 10 p.m.; on other days they close at 6 p.m. The proprietor of one establishment stated that he had closed at 1 p.m. on Saturdays since 1879, and had tried to induce others to follow his example; he allowed that his business might have increased further if he had kept open on Saturday afternoon, but expressed himself as satisfied with the increase which he had obtained. Grocers' shops were found to be open from 6.30 a.m. to 7 p.m., or on Saturdays 11 p.m.; hardware shops are open from 9 a.m. to 6 p.m. five days, and close at 1 p.m. on Saturdays; the hours in tailors' shops are from 8 a.m.

(1) Reports of the Government Statistician, New South Wales, 1891-2, Nos. 1-7, p. 14.
(2) Report of Royal Commission on Sweating, New Zealand, 1890, pp. 8, 77, 81. Reports of the Government Statistician, New South Wales, 1891-2, Nos. 1-7, pp. 17, 18. Report of Royal Commission on Shops and Factories, South Australia, 1892, pp. 6, 109, 132, 136, 137, 145, 150, 189, 190.
(3) Reports of the Government Statistician, New South Wales, 1891-2, Nos. 1-7, p. 16.
(4) Reports of the Government Statistician, 1891-2, Nos. 8-10, pp. 6, 7. Report of Royal Commission on Shops and Factories, South Australia, 1892, p. 213. Report of Royal Commission on Shops and Factories, Queensland, pp. 114, 116, 123, 269. Report of Royal Commission on Sweating, New Zealand, 1890, pp. 15, 28, 48, 53.
(5) Reports of the Government Statistician, New South Wales, 1891-2, Nos. 8-10, pp. 6, 7. Report of Royal Commission on Sweating, New Zealand, 1890, pp. 15, 53.
(6) Report of Royal Commission on Employés in Shops, Victoria, 1883, pp. 1, 2, 7, 21, 26, 30, 31, 64. Report of Royal Commission on Shops and Factories, Queensland, 1891, pp. 1, 2.

to 6 p.m., and in fancy goods shops from 8.30 a.m. to 6 p.m. The hours of butchers, bakers, and barmen are the longest recorded. Butchers' shops in Brisbane open at 4.30 or even 3.30 a.m., and remain open till 6 p.m., or on Saturdays till 12.30 or 1 a.m. No reason was given for these excessive hours except competition and trade custom. Bakers in Brisbane work from 2 or 3 p.m. until 1 or 2 a.m.; but it would appear that these long hours are unnecessary, since in one bakery the men only worked from 9.30 p.m. to 4 a.m. The hours of barmen are from 6 a.m. to 10 or 11 p.m. The evidence of several doctors given before the Victorian Commission combined to prove that the long hours worked by gaslight were very prejudicial to the health of many assistants, especially women. Grocers in Victoria work fourteen hours a day, including three hours in all for meal times. Small drapers keep their shops open from 8 or 9 a.m. till 9 p.m., or 11 or 12 p.m. on Saturdays; the larger houses close at 6 p.m. Confectioners' shops open from 8 a.m. till 10, 11, or 12 p.m., booksellers' from 8 a.m. to 9 p.m., and hairdressers and tobacconists from 8.30 a.m. to 12 p.m. or 1 a.m., though in one case a hair-dresser gave his hours as from 7 a.m. to 9 p.m. Bakers in Melbourne work even longer than in Brisbane; their hours are thirteen on five days in the week, with from seventeen to eighteen on Fridays, and this at night in an exhausting atmosphere.(1)

c. Effect of early closing upon business.

Opinions are divided as to the effect of early closing upon the profits of a business. Several employers stated that they had found no falling off in their business in consequence of adopting the shorter hours, whilst on the other hand a draper said that he lost 25*l.* a week through closing at 7 p.m. instead of 9 p.m. Another draper stated that his customers could not conveniently shop before 7 p.m., and that he would lose most of his custom if he adopted early closing. In a third case 60 per cent. of the business of the establishment was said to be transacted between 7 p.m. and 9 p.m. The majority of witnesses were of opinion that customers could arrange to shop earlier if necessary. The South Australian Commission, however, report that much has been done by agreement between employers and employed in establishing a system of early closing, and that no evidence of any importance has been elicited in opposition to the system. At the same time they point out that its maintenance depends solely on an honourable understanding between employers and employed, and might be overthrown by the secession of any of the parties to the agreement or by the opening of new shops which encourage late trading. The majority of witnesses examined were in favour of early closing, and desired legislation on the subject. According to their evidence the system was already endangered by the number of shops which remained open, and, indeed, one witness stated that early closing was a direct incentive to some firms to lengthen their hours. Great divergence of opinion prevailed as to whether it was possible for all customers to do their shopping before 6 p.m. Some witnesses maintained that it would be possible in all cases, though they admitted that domestic servants were seldom able to go out early in the afternoon, and that many employés worked till six. A tailor at Port Adelaide, who supplied clothing to working men, maintained that they would be much inconvenienced if they could not shop after six. He said that this was especially the case with seafaring men, and that trade had already been driven to Victoria and New South Wales, because many shops in Port Adelaide closed at 6 p.m. It was said that a thousand people were served every Saturday night at the East End market, who would be greatly inconvenienced if they could not shop at that time.

Witnesses in favour of early closing examined by the Victorian Commission allowed in most cases that some exceptions must be recognised, and that confectioners' and chemists' shops, as well as oyster bars and restaurants, must remain open until a late hour in the evening.(2)

d. Remedies proposed. Voluntary closing.

A few witnesses before the Victorian Commission were of opinion that moral suasion would eventually succeed in reducing the hours of shop assistants, and that to legislate on the question would be "to interfere with the liberty of the subject," especially in the case of a proprietor who employed no assistants except members of his family. The Queensland Commission's first report recommended that 6 p.m. should be fixed by legal enactment as the hour at which all shops should close; in a second report, however, the Commission expressed approval of the early closing movement, but stated that in their opinion it was undesirable to legislate on the subject. Such legislation would ruin many small businesses, which depend on the custom of the working classes, whilst the closing of restaurants, oyster saloons, fruit shops, and tobacconists' shops would drive customers to hotels, where the business would be conducted under more objectionable conditions. Again, shopkeepers near wharves and railway stations, as well as those dealing in fish, meat, vegetables, and other perishable goods, might reasonably claim exemption, and an Act of Parliament allowing of so many exceptions would, in the opinion of the Commission, fail of its object. Consequently the Commission, having regard to the failure of the Victorian Act (see p. 41), advised that no legislation should be attempted, but that the matter should be left to the force of moral suasion and a healthier development of public opinion. The Secretary of the Retail Assistants' Union of South Australia was of opinion that everything had been accomplished that was necessary, and that there was no need of legislation to strengthen the system. Other witnesses, however, held a contrary opinion, and the commissioners, with one exception, advocated legislation.(3)

Compulsory closing.

As a result of the enquiry in Victoria clauses were inserted in the Victorian Factory Act of 1885, fixing 7 p.m. as the hour of closing, but allowing Municipal Councils to extend or restrict the hours. Abundant advantage was taken of this discretionary clause, with the result that in adjoining municipalities shops closed at varying hours, and that different classes of shops closed at different hours, even in the same municipality. Thus whilst drapers' shops in Melbourne could remain open till 9 p.m., those in the suburbs of Richmond and Prahran were obliged to close at 7 p.m.; these regulations pressed heavily upon the struggling suburban shopkeepers, whose customers were frequently unable to make purchases during the day. Great discontent was occasioned, and the Act failed in its purpose, since a number of shops still remained open in defiance of its provisions. In 1890, a Factories and Shops Act was passed for Victoria, which should apply to all factories, workrooms, or shops situated within any city, town or borough. It provided that all shops, except chemists' shops, coffee-houses, confectioners' shops, eating-houses, fish and oyster shops, fruit and vegetable shops, restaurants, tobacconists' shops, booksellers' and news-agents' shops, must be closed every evening except Saturday at 7 p.m., and on Saturday at 10 p.m. On the receipt of a petition from the majority of the shopkeepers in any district, Municipal Councils are empowered to license the shops of that class to remain open after 7 p.m., or to require them to close before the hour mentioned. They may also limit the total number of hours during which a person may be employed in any shop, provided that they do not reduce the number below eight hours a day. It is the duty of the inspector to report to the Board of Health, if he thinks that for the preservation of health, sitting accommodation should be provided, or intervals of rest allowed to persons employed in any shop. The Board may serve notices upon any shopkeeper, requiring him to carry out the inspector's recommendations. During the session of 1891, however, a petition, signed by 3,000 shopkeepers, was presented to the Chief Secretary praying for the repeal of the early closing clauses, and stating that they had only been passed at the instance of a very small minority. The Chief Secretary admitted that "the distress among "shopkeepers was indisputable, and that it was a pity "that the Act could not be suspended." During the session of 1891, a private Bill was introduced to deal with the question, but it was withdrawn before the end of the session.

The Queensland Commission were deterred from recommending legislation by the example of Victoria, but the South Australian Commission of 1892 regard it as desirable, and a Bill was introduced into the New Zealand House of Assembly in the same year to limit the hours of shop assistants. It enacts that all shops except news-agents' shops, chemists' shops, milk shops, coffee-houses, restaurants, eating-houses, confectioners'

(1) Report of Royal Commission on Sweating, New Zealand, 1890, pp. 18, 29, 36, 63. Report of Royal Commission on Shops and Factories, Queensland, 1891, pp. 2, 3, 15, 22, 24, 29, 30, 38, 110, 165, 195, 277. Report of Royal Commission on Employés in Shops, Victoria, 1883, pp. 1, 27, 44, 60, 69, 95.

(2) Report of Royal Commission on Employés in Shops, Victoria, 1883, pp. 3, 6, 8, 29, 46, 65, 121. Report of Royal Commission on Shops and Factories, Queensland, 1891, pp. xxxv., xxxix. Report of Royal Commission on Shops and Factories, South Australia, 1892, pp. v., xv., 13, 23, 31, 42, 45, 54, 181, 317, 384.

(3) Report of Royal Commission on Employés in Shops, Victoria, 1883, pp. 8, 29, 54, 61. Report of Royal Commission on Shops and Factories, Queensland, 1891, pp. xxxv., xxxix. Report of Royal Commission on Shops and Factories, South Australia, 1892, pp. xv., xvi., 78.

shops, fish and oyster shops, and fruit and vegetable shops are to be closed on one working day in each week at one o'clock. It further enacts that no woman or person under eighteen may work more than fifty-eight hours a week including meal times, and that seats are to be provided for women in shops.(1)

Barmaids. The Victorian Royal Commission on employés in shops drew up a special report on the employment of barmaids. They called attention to the fact that the long hours of work and the conditions of the employment were most prejudicial to women, and recommended that it should be made illegal to employ them. Evidence on the subject showed that barmaids were often kept on duty for fourteen or sixteen hours, sometimes even for eighteen, and medical witnesses stated that such wo predisposed them to disease, and had been known to cause their death while still quite young. Their wages averaged from 10*s.* to 15*s.* a week, but it appeared further that they often retained their posts solely by their capacity for increasing business. Consequently, it is to their interest "to induce frequenters of hotels to indulge in excessive drinking," and "as soon as the girls get "rather faded in one house they go to another of lower "grade, and so down and down, until no publican will "have them." Thus, should a woman survive the strain on her constitution, she finds herself, when no longer young, deprived of the only means of earning a livelihood with which she is acquainted, and "for a "few years of comparatively profitable employment her "after life is entirely ruined." The Commission, therefore, recommend the total abolition of the employment of barmaids.(2)

DIVISION III.—CERTAIN SPECIAL SUBJECTS.

A.—Co-operation and Profit Sharing.

1. Opinions of witnesses before the New South Wales Commission on Strikes.

According to evidence given before the Royal Commission on Strikes, New South Wales, the establishment of purely co-operative business undertakings is hindered in Australia by the difficulty of raising sufficient money on such security as workmen can give. Mr. T. A. Dibbs, however, stated that where reasonable security could be given banks were not unwilling to lend the money, and that the large sums collected for the support of the strikers in 1890 prove that the necessary security could be given. Sir Samuel Griffiths, Premier of Queensland, advocated a system of co-operation between the two parties to production in which losses were shared as well as profits, and held that some such system must shortly supersede the present relations between employer and employed. He regarded it as an objection to profit-sharing that the men are not satisfied unless greater publicity is given to the details of the business than the employers desire. Mr. Plummer, a journalist of Sydney, said that a further difficulty arose in any year when the profits were inadequate to meet the demands: in such a case employers often supplied the deficiency out of their own share rather than face the complaints of the men. Mr. Plummer had studied the working of co-operation in England, and pointed out that distributive co-operation had on the whole proved the most successful, and should, therefore, precede any attempt at productive co-operation. He believed that co-operation would succeed in Australia if care were taken to secure a sufficient number of shareholders and a reasonable capital, and if no credit was given. A really competent manager must also be secured, reports must be regularly published, a reserve fund must be formed to meet expenses for wear and tear and for extending the business, and members must learn to bear with each other's disinterested opinions. Other witnesses thought that mining, building, brick-making, boot-making, and agriculture could be conducted on co-operative principles, and held that employés were yearly obtaining more practical business knowledge and greater mutual confidence.(3)

2. Experiments.

These opinions were for the most part, however, based on theoretical grounds: practical experiments in Australia have been few and far between. One witness stated that he had been a member of a co-operative boot manufactory, which had come to an end in nine months owing to lack of business knowledge on the part of the members. A scheme was drawn up for a co-operative union of wharf labourers in Sydney. Each member was to be paid a fixed or minimum wage, and the profits were to be divided amongst the members. The scheme was never put into execution, and one witness stated that it would be attended with much difficulty, owing to the inequality of the members' work and the dissatisfaction which would consequently arise. The Mosgiel Woollen Factory at Ashburton, New Zealand, which is conducted upon co-operative principles, has proved a financial success; in 1891 it paid a dividend of eight per cent. upon the share capital. But perhaps the greatest success in co-operation that has as yet been achieved in Australia is that recorded by the Victorian butter factories and creameries, which were established with Government assistance in 1888 and which in 1891-92 exported 5,207,944 lbs of butter to England. The Government fitted up a travelling dairy and sent lecturers throughout the colony to give practical instruction; they also grant a bonus on every pound of exported butter, graduated on the price which the butter fetches in the London market. The farmers, thus encouraged, send their milk to a creamery or a butter factory in which they hold shares, and receive every fortnight the proportion due to them according to the price of butter. There are 360 such factories now in existence in Victoria.(4)

B.—Foreign Immigration.

1. European labour. In Queensland.

By an Immigration Act passed in 1892 any person resident and settled in Queensland may nominate a friend or relative resident in Great Britain or on the Continent of Europe for a free or assisted passage to Queensland. If the nominator is in a position to do so, he must contribute to the expenses of the passage; as a rule his contribution is fixed at 3*l.* Free or assisted passages are also granted by Government to other suitable immigrants, who are recommended by the Government lecturer, or about whom official inquiries have been made. The communication established between the Queensland Immigration Department and the Emigrants' Information Office in London makes it possible for the Agent-General to obtain the required information as to intending emigrants. In 1886 it was found necessary to put some check upon the large number of artisans and mechanics entering Queensland, and an Order in Council was issued requiring that all applications on behalf of immigrants should be submitted to the Minister. By an Immigration Act Amendment Act passed in 1887, the payments to be made by nominators were increased, and free passages were entirely abolished. An Order in Council of the same year made mechanics and artisans ineligible for assisted passages. The returns of the Immigration Agent for Queensland show that the demand for agricultural labourers and domestic servants is always in excess of the supply, and that the total number of immigrants has decreased rapidly since 1886. In that year the number reached 11,879, of whom 2,368 were farm servants, and 2,395 female domestic servants. In 1887 the total number fell to 10,466, and there was a demand for 160 agricultural labourers, 84 plantation labourers and 590 female domestic servants in excess of the supply. In 1888 the total number fell to 9,171; in 1889 to 7,162, in 1890 to 3,758, and in 1891 to 2,333. Farm labourers in 1891 arrived in the colony to the number of 1,049, 335 of whom were Italians.(5)

2. Pacific Island labour. Advantages of Kanaka labour.

This deficiency of agricultural and plantation labour led in April 1892 to the revival of an Act legalising the introduction of Pacific Islanders to work on the sugar plantations in the northern part of Queensland. The employment of the Kanaka labour has attracted so much attention and drawn forth so many *ex parte* statements that it is difficult to obtain an absolutely unbiassed opinion from those who possess the requisite information. It is generally advocated on the ground that white men are physically incapable of withstanding the heat and moisture inseparable from work upon the plantations. On the other hand some authorities state that the depression in the sugar industry and the inability of the sugar planters to pay the wages de-

(1) First Annual Report of Chief Inspector of Factories, Victoria, 1886, p. 8. Report of Royal Commission on Shops and Factories, Queensland, 1891. p. xi. Report of Royal Commission on Shops and Factories, South Australia, 1892, p. v.
(2) Report of Royal Commission on Employés in Shops, Victoria, 1883, p. 160. Special Report, 1884, pp. 3, 4, 5.
(3) Report of Royal Commission on Strikes, New South Wales, 1890, Précis, pp. 44, 113, 143–146, 178, 184, 256.
(4) Report of Royal Commission on Strikes, New South Wales, 1890, Précis, pp. 10, 22, 256. "The New Zealand Insurance, Mining, and Finance Journal," December 1st, 1891. "Times," December 6th, 1892.
(5) Reports of the Queensland Immigration Agent, 1887, 1888, 1889, 1890, 1891. Circular issued by the Emigrants' Information Office, Westminster, July, 1892. Appendix on Migration of Labour, p. 201.

manded by white labour are responsible for the employment of Kanakas. Since 1880 the sugar industry has been greatly depressed, and plantations are already going out of cultivation. The cessation of this industry would retard the growth of the towns in North Queensland, and would bring ruin upon a number of small farmers who live by supplying the planters. Consequently there is a strong desire to cheapen the production of sugar by employing a cheaper class of labour.(1)

Disadvantages of Kanaka labour.

On the other hand the opponents of the introduction of Kanakas state that it is unnecessary, and that the Pacific islands are being depopulated by the expertation of the young and strong, whilst those left behind are unfairly deprived of the labour of their fellow tribesmen. It is also stated that the Kanakas are physically unfit for the hard work imposed upon them, and that they die in hundreds from overwork and unsuitable diet. The importation of such labour is moreover alleged to have been connected with terrible abuses in the past, and the like results are predicted if it is employed in the future. It is undeniable that the Kanaka labourers have often been treated with great cruelty, but there is much difference of opinion as to whether any such treatment can be shown to be of recent date, and as to whether it cannot be guarded against by suitable legislation. Even if it be provided that no Kanaka shall be employed, who does not of his own free will enter into a contract of service, it is almost impossible to ensure any such freedom. In the first place some twenty languages are spoken amongst the islanders, and it is very difficult to make them comprehend the terms of their agreement. But even where no language difficulty exists, the Kanaka, who has no personal experience of the field labour, which is performed by women in his native islands, has little or no idea of what he is undertaking. Again it is said that men are often attracted on board ship by promises of red cloth and beads, and are then persuaded to go to Queensland, thinking that they will return in a "few moons," since the word "year" conveys nothing to their minds. A Queensland lady, signing herself Marion Disney, wrote to the "Daily News," stating that she had been informed by the Kanakas that they were enticed on board and given "fire-water," and that when they woke the ship was far from their island. In other cases the chief, or even a man who has returned from Queensland, is bribed to supply the labour. Since 1880 the Government has laid down stringent regulations as to the food, clothing, and cubic space to be allowed to each native on board ship, and, were these regulations always carried out, their condition would be fairly comfortable. Before the regulations were issued great abuses prevailed, but, though it is not always possible to enforce them, the presence of a Government agent on board the vessels is a sufficient safeguard against any gross neglect of the Act.(2)

Conditions of labour.

The conditions of labour in the sugar plantations are often of a very trying character. Work is carried on from dawn till 7 p.m., and consists of hoeing and weeding damp steaming ground between high rows of canes. The natives suffer much from the damp and chills of the early morning, and their dwellings are often of galvanised iron, which becomes unbearably hot in the sun. The food and clothes to be supplied to them are prescribed by Government on a liberal scale; but meat forms a large item in the diet, and does not suit the islanders, who are unaccustomed to eat it. The mortality amongst them is said to be as high as 66 per 1,000, and this though they are only engaged for three years. Hospitals are provided, and the labourers are well cared for when sick; but it is impossible to counteract the effects of the unhealthy conditions of work. The men are divided into gangs, and work under an overseer, upon whose treatment their comfort must mainly depend. Many authorities state that employers are not only bound by law to treat their labourers well, but that it is to their interest to do so, since a Kanaka, who is ill-treated, sulks and will scarcely do any work, whilst those who meet with kindness are industrious and cheerful. On the other hand it is maintained that the Kanakas are too ignorant and too lethargic to protect themselves, and frequently endure much personal ill-usage. Another difficulty arises when the term of the contract expires. Cases have occurred in which, whether through negligence or for the sake of avoiding trouble, a native has been put on shore at the wrong village, or even on the wrong island. In such a case he is liable to be captured by the enemies of his tribe and put to death, and though the Government have done all in their power to prevent such an occurrence, it is not as yet impossible.(3)

Depopulation of the islands.

Even if perfect freedom of contract and uniformly good treatment could be ensured to the Kanakas, Sir Arthur Gordon and others are of opinion that the Queensland Government is not justified in taking them from their homes. "Every man has his appointed "duty to perform towards the community; his departure leaves his share of work unprovided for, and "his family a burden on others. The loss to a village "of a number of men, means a diminution of its food "supply, and of its powers of defence. An emigration "agency which induced apprentices and soldiers to "desert would not find much favour, even in the eyes of "more civilised governments than those of the Pacific "Islands." The deficiency of labour might, in his opinion, be supplied by introducing coolies from India, and the strict regulations imposed by the Indian Government would be a safeguard against abuses. If Kanaka labour is still employed, he urges that it should be regulated by the Imperial Government, which will be less liable to be influenced by local and party considerations. Sir Arthur Gordon also argues that the depopulation which is already going on cannot be checked as long as the system of emigration is continued, and that if recruiting is allowed in other islands, it will probably spread to New Guinea, the inhabitants of which are totally unsuited to hard work. Further, he says that the Government agents are in many cases men who have failed in other professions, and who are wanting in the exceptional qualities required to withstand the strain of an incessant struggle to secure the faithful observance of the law.(4)

Effect on labour generally of the employment of Kanakas.

A correspondent to the "Times" says that the employment of Kanakas in Queensland is a means of aiming a blow at the system of slavery, or serfdom, under which the islanders live at home, whilst at the same time raising them to the dignity and position of free labourers. This position is compared by another correspondent to that of the Irish labourers in England, with the proviso that greater attention is paid to the comfort of the Kanakas. The Bishop of Tasmania reports that on the vessels which he visited, the Kanakas were "happy and comfortable," and that he found returned Kanakas exercising a civilising influence upon their countrymen. On the other hand, it is urged that there is no need for Kanaka labour, since "there "is plenty of labour unemployed, both black and "white, if planters would give anything like fair "wages. The time-expired blacks would be quite "enough for them, but the planters want them newly "imported, so that they can have them for 3*s.* a week "and rations." On this ground, and on the ground that they displace white labour, the trades unions of South Queensland are strongly opposed to the employment of Kanakas. Stringent regulations have, however, been laid down, limiting their employment to tropical or semi-tropical districts in which no white men can work, and Sir Samuel Griffiths is of opinion that without the Pacific Island labour the sugar plantations would have to be abandoned.(5)

Legislative restriction.

There is some desire in Queensland to introduce coolie labour from India, as was done in South Australia in 1882; but the Queensland Government declined to entertain the proposal on the ground that the restrictions imposed by the Indian Government might be irksome. The Indian Government would not sanction the employment of the coolies imported into South Australia in mining, but limited them to agriculture, and after some difficulty, railroad construction. At least 40 per cent. of coolie emigrants must be women according to the Indian Government's regulation. This action on the part of the Queensland Government has strengthened the hands of the opponents of Kanaka labour, who assert that the planters are anxious to employ only labourers, who have no recognised Government to protect them. To meet this charge it has been proposed

(1) "National Review," July, 1892. "Daily Chronicle," July 5th, 1892. "Times," July 8th, 1892.
(2) "Times," June 6th, 1892. "Daily News," August 16th, 1892. "Hobart Mercury," May 14th, 1892.
(3) "Daily News," August 16th, 1892. "Globe," June 7th, 1892. "Hobart Mercury," May 14th, 1892. "Daily Graphic," August 15th, 1892. "Pall Mall Gazette," May 25th, 1892.
(4) "Times," June 7th 1892, Jan. 5th, 1893.
(5) "Daily Graphic," September 9th, 1892. "Manchester Courier," May 17th, 1892. "St. James's Gazette," May 25th, 1892. "Times," June 8th, 1892. "National Review," July 1892. "Observer," November 28th 1892.

that British protection should be extended to those islands over which no other European power has any influence, and that the Administrator of New Guinea should be charged to visit the islands frequently. The establishment of a depot in each island to which recruits may be drafted has also been proposed. According to this scheme no recruit should be allowed to sail until he had been six months in such a depot, and could be proved to have a clear understanding of the nature of the duties which he was undertaking. The British and Foreign Anti-slavery Society have interested themselves in this question for over twenty years, and it is no doubt partly due to their influence that frequent Acts have been passed to regulate the traffic in Kanaka labour. These Acts have been seven in all since 1872; the first two, in 1872 and 1875, were passed by the Imperial Parliament, and the others, in 1880, 1884, 1885, 1886 and 1892, by the Queensland Parliament. By the Act of 1872, all vessels engaged in recruiting must be licensed, and the master of the vessel must give a bond for 500*l*. Any vessel carrying natives without a licence is liable to a fine of 500*l*. Decoying natives against their will in order to remove them from their home, or in any way assisting to do so, is made a felony liable to be punished in any Supreme Court in the Australian Colonies. Provision is also made for the seizing and bringing in of vessels suspected of offending against the Act. In 1875 an Amendment Act was passed empowering Her Majesty in Council to appoint the High Commissioner to have jurisdiction over her subjects, within any islands and places in the Pacific Ocean, not being within her dominions, and to create Courts of Justice within such places. In 1880 the Imperial Polynesian Labourers' Act was repealed, and a new Act of the Queensland Parliament came into force, whereby the Governor is empowered to appoint Inspectors of Pacific labourers, as well as Government agents to accompany vessels licensed to carry such labourers. The immigration agent is to issue licences to employ Kanaka labour, and the applicant must prove that he has made provision for engaging in tropical or semi-tropical agriculture, and must give a bond equal to 5*l*. for every islander imported. A payment of 30*s*. a head must also be made for the expenses of transport. Masters of vessels must also be licensed and must give a bond as under the Act of 1872. Such vessels must be 6 ft. 6 ins. high between decks, and 12 sq. ft. must be allowed for each passenger. Care is to be taken that passengers understand their agreements, and no native under sixteen is to be taken on board. Medical certificates must be procured on arrival for all labourers imported. These labourers may not be transferred from one employer to another without their own consent, or without that of the inspector or a police magistrate. Wages must be paid in the presence of an inspector, and the employer is responsible for the return voyage. Any labourer falling ill is to be sent to a hospital, which is supported by a capitation fee of 10*s*. for every labourer, paid by the employer. In 1884 this Act was further amended in detail, and in 1885 a Commission of three, two of whom were avowed opponents of the employment of natives, inquired into the matter, with the result that they ordered many of the islanders to be sent home on the ground that they had come unwillingly. The damages assigned to the planters and the expenses of the Commission amounted to 50,000*l*. A fresh Commission, less biassed than the other, was then appointed and returned a more favourable report. Nevertheless an Act of 1885 provided that the importation of Kanaka labour should cease after 1890, and raised the importation fee from 30*s*. to 3*l*., and the hospital fee from 10*s*. to 1*l*. This Act was further amended in 1886, and in 1892 an Act was passed repealing the clause in the Act of 1885 which forbade the importation of Kanaka labour after 1890, and directing employers to maintain time-expired labourers until an opportunity occurs for them to return. This Act further provides that money due to a native labourer shall, in case of his death, be expended in payment to his friends, or in the purchase of goods to be delivered to them in lieu of payment. Married women are allowed by regulation of the Governor and Council to accompany their husbands to Queensland, and the rations and clothes to be supplied to each man and women are specified. If possible the food to which they have been accustomed must be obtained.[1]

(1) "Times," June 7th, 18th, 1892. "Leeds Mercury," May 17th, 1892. "National Review," July, 1892. "St. James's Gazette," May 25th, 1892. Imperial and Colonial Acts relating to the Recruiting of Pacific Islanders, Appendix on Migration of Labour, pp. 226-233.

3. Chinese labour.

Number and occupations of Chinese.

According to the latest returns there are in Australia and New Zealand 41,000 Chinese engaged for the most part in mining, agriculture, shopkeeping and furniture-making. In Victoria there are 9,377 Chinese, 2,994 of whom are engaged in gold mining at a weekly wage of from 1*l*. to 1*l*. 10*s*. But the industry in which Chinese immigration is thought to have exercised the most unfavourable influence upon the position of the Australian workmen is that of furniture-making. A very large amount of Chinese labour is employed in this industry in Sydney, under conditions and for a rate of payment which Australian workmen would not accept. The work is carried on in the cheapest buildings, which can be hired for the purpose in total disregard of sanitary requirements, and the Chinese workmen live closely-packed together on the premises. In 1889, there were 23 furniture factories in Melbourne employing 320 Chinese. These factories were generally in back streets, with nothing to indicate their existence, and it was found very difficult to compel them to register themselves under the Shops and Factories Act. In 1888, the inspector of factories reported that "great complaint is made about the "dirty rooms and closely-confined places in which "Chinese work. But this would appear to be capable "of alteration if the Health Act were strictly enforced "against them by the Local Boards of Health." Great difficulty was, however, experienced in making the Chinese understand the requirements of the Act. They were willing to pay the registration fee, but refused entirely to alter their premises, and when forced to vacate them often sold them to a compatriot without informing him that they had been declared unfit for occupation as a factory. Still, the number of Chinese factories in Melbourne is decreasing; eleven closed in 1890, it was said, owing to the lack of demand for Chinese-made furniture amongst the working-classes, who had become impoverished through the strike. Many of the Chinese became insolvent and disappeared, leaving any small stock which they might possess to be seized by their creditors.[2]

Conditions of labour.

In consequence of the recent restrictions upon Chinese immigration, wages have been raised, and Chinese labour can now command 25*s*. to 30*s*. a week, with board and lodging. In 1891, the Chinese cabinet-makers of Sydney struck for an advance in the price of piece-work and obtained an increase of 10 per cent. The strike also resulted in the formation of groups of three or four amongst the employés, who then set up on their own account. Piece-workers pay 9*s*. or 10*s*. a week to their employer for board and lodging. As it is the aim of a Chinaman to save enough money to return rich to China, he spends as little as possible, whether for food or for recreation. The first consists for the most part of salt fish, rice, pork, cabbage and the less expensive kinds of tea. As for amusement the Chinaman finds it in playing cards or dominoes, or in opium smoking; but anyone known to be addicted to the latter practice finds it hard to get employment, even on piece-work. The working hours are from 6 a.m. to 6 p.m. in summer, and from 6 a.m. to 5 p.m. in winter, with half an hour for breakfast and the same time for dinner. Much longer hours are sometimes worked, and no payment is made for overtime. The Chinese workmen are very economical in their use of material, and will work up timber, which would be despised by an Australian workmen; hence their success in competing with Australian labour. Nevertheless, the profits of Chinese cabinet-makers have diminished owing to the increase of wages, and to the fact that the use of machinery enables some Australian firms to compete with them at their own prices. If a dispute arises between master and men, the question is first argued at length between the two parties, but should no satisfactory conclusion be reached, a deputation of the workmen waits upon the employer. If the dispute still remains unsettled, the aggrieved party calls together a "Ki Fong," viz., issues invitations to the principal Chinese in business in the city, who meet at an appointed place, and after hearing the arguments on both sides, settle the matter by a vote of the majority. No witnesses are called, and the verdict is based upon the statements of the contending parties alone.[3]

Feeling in Australia against the Chinese.

The feeling in Australia against the Chinese is exceedingly strong, and there is a widespread desire to exclude them from the Colony. It is felt that they are an alien race and that they will always remain so,

(2) Victorian Year Book, 1890-1, Vol. II., p. 500. Report of Chief Inspector of Factories, Victoria, 1887, pp. 7-10. Dilke, "Problems of Greater Britain," p. 529. Annual Report of Secretary for Mines, Victoria, 1890, p. 116.

(3) Report of Government Statistician, New South Wales, 1891-2, pp. 14, 15.

because they leave their wives and children at home and intend to return to them as soon as they shall have earned sufficient money, and because their way of living, their religion, moral code and physique are such as to render it impossible for them to blend with the native population. No length of residence among a population of European descent will cause Chinese immigrants to change the mode of life which they bring with them from China, and it is feared that if alien Chinese should at any time become as numerous as the other residents in a colony, "they would "attempt to establish institutions of a kind that would "trench on the supremacy of the present legislative "and administrative authorities, or they would tacitly "accept an inferior social and political position, which "would create a division of society on a racial dis-"tinction, which would produce in the remainder of "of society a degraded estimate of manual labour, "similar to that which has always existed where "African slavery has been permitted, and would "thereby call into existence a class similar to the "'mean whites' of the Southern States of the American "Union before the Civil War." Again Sir Henry Parkes says of the Chinese, "they are a superior set of "people, belonging to a nation of an old and deep-"rooted civilisation. We know the beautiful results "of many of their handicrafts; we know how wonderful "are their powers of imagination, their endurance, and "their patient labour. It is for these qualities I do "not want them to come here. The influx of a few "millions of Chinese would entirely change the "character of this young Australian Commonwealth. "It is because I believe the Chinese to be a powerful "race, capable of taking a great hold upon the "country, and because I wish to preserve the type of "my own nation in these fair countries, that I am, "and always have been, opposed to the influx of "Chinese."(1)

Legislative restriction of Chinese immigration.
a. In Victoria.

In 1852 the Chinese first began to arrive in Victoria, and at the census of 1854 they numbered 2,000. The fear that they would overrun the colony took shape in the Victorian Act of 1855 which defined a "Chinese immigrant" to mean any male native adult of China, or its dependencies, or of any islands in the Chinese seas, or any person born of Chinese parents. The Act provided that no vessel should bring more Chinese passengers than one for every ten tons of cargo, under a penalty of 10*l.* for every passenger in excess, and that the Governor should levy such a sum from each immigrant as might be necessary for the payment of the officers employed in carrying out the Act. Between 1857 and 1864 five other Acts regulating Chinese immigration were passed, but have since been repealed. In the meantime the Chinese in Victoria had diminished owing to the rush in 1860 to the gold diggings of New South Wales. In 1859 the Chinese population was 42,000, and in 1861 it was 24,732. It has since again diminished, and in 1881 was only 12,128. Further Restriction Acts were passed in 1865, 1881, and 1888, which still remain in force. By the first the Governor in Council is empowered to appoint persons to carry out the provisions of the Act, and to regulate the registration of immigrants, as defined by the Act of 1855, on their arrival in any district, as well as their removal from the district if such a course be found necessary or desirable. The master of any ship bringing Chinese immigrants must state the fact on arrival in port. If any immigrant is sentenced to imprisonment or imprisonment with hard labour, the Governor in Council may direct where he shall be employed. No immigrant within the meaning of the Act, even if he hold a miner's right or business licence, is entitled to vote at the election of members of any mining board. The Act of 1881 again limits the number of Chinese immigrants, who may be brought, to one for every hundred tons of the vessel, and orders the master of the vessel to pay 10*l.* to the Collector of Customs on behalf of each immigrant, before such immigrant may land. Any Chinese immigrant, who is a British subject, is exempt from these provisions, as are also members of the crew, or persons not landed in any port of Victoria. No Chinese immigrant, who is not a naturalised or natural born subject of Her Majesty, may vote at parliamentary or municipal elections. The Act of 1888 makes further exceptions in favour of duly accredited persons representing any government, or sent on a special mission by government, and limits the number of Chinese passengers to one for 500 tons. Vessels may be searched by inspectors if suspected of evading the Act, and any such evasion may be visited with a fine of 100*l.* A Chinese immigrant entering Victoria by land without a permit from the Governor in Council may be fined not less than 5*l.* and not more than 20*l.*, and may be removed to the colony from which he came.(2)

b. In South Australia.

Chinese immigration is restricted in South Australia by Acts of 1881 and 1888. The provisions of the Act of 1881 are similar to those of the Victorian Act of that year, but add that all immigrants must be vaccinated by a medical officer before landing, if they have not already been vaccinated. The Northern Territory is exempt from the provisions of the Act, but a Chinaman entering the Southern Territory from the Northern, is deemed to have arrived from beyond the province. The Act of 1888 is on the lines of the Victorian Act of 1888.

c. In New South Wales.

The Act passed for New South Wales in 1888 is even more stringent than those for Victoria and South Australia. Certificates of naturalisation may not be granted on any ground to Chinese labourers, and all Chinese leaving the Colony for a time, except those who have already been naturalised, are subject on return to all the provisions of the Act. The sum to be paid for any Chinese immigrant coming by land or sea is put as high as 100*l.* No Chinese labourers arriving after the passing of the Act are to be allowed to engage in any mining pursuit whatever without special authority from the Minister of Mines. Chinamen who can prove themselves British subjects are exempt from the provisions of the Act.

d. In Queensland.

Acts similar to those of Victoria have been passed in Queensland in 1890 and 1891, but the penalty for an immigrant entering the Colony by land without a permit is fixed at 500*l.*

e. In Western Australia.
f. In New Zealand and Tasmania.

In Western Australia the number of Chinese passengers who may be lawfully carried is one to every 50 tons, and the sum to be paid for each immigrant is 10*l.* A New Zealand Act of 1888 fixes the number at one to every 100 tons and requires the same payment; the same provisions are contained in a Tasmanian Act of 1887.(3)

Negotiations between the Imperial and Colonial Governments as to the Chinese.

In 1887 a Chinese Commission visited the Australian Colonies to inquire into the condition of Chinese subjects residing there. The Chinese Minister at St. James's subsequently called the attention of Lord Salisbury to the fact that his countrymen in Australia were the subjects of discriminating legislation, and were forced to pay a poll-tax of 10*l.*, from which the subjects of other powers were exempt. This he pronounced to be "incompatible with Her Majesty's international engagements." The Imperial Government, however, found that anti-Chinese feeling ran too high in Australia to brook any interference. Lord Carrington, then Governor of New South Wales, wrote to the Foreign Office that "if we have no voice in "making treaties, it seems only just that our interests "should be considered and protected by those who "exercise that power. We learn that the United "States Government have entered into a treaty with "the Government of China, by which Chinese immi-"gration into America is no longer permitted. We "fail to see why Australia may not be similarly pro-"tected." Whilst the subject was still under consideration, a Hong Kong vessel called the "Afghan" arrived at the Heads, Port Phillip, Victoria, with 268 Chinese passengers, of whom 60 were immigrants for the Colony. The number was greatly in excess of the legal proportion, and the immigrants sought to land by declaring themselves British subjects. Forty-eight produced naturalisation papers, which proved, upon examination, to have been issued to others than the present holders, and were therefore rejected. The vessel proceeded to Sydney, where no such law was then in force, but the Government resolved to prevent the landing of the immigrants, and were supported in their action by Parliament and by popular feeling; indeed, any other course would in all probability have been followed by a riot. The case was brought before the Supreme Court of New South Wales, and the action of the Government declared illegal, whereupon the passengers holding exemption tickets were allowed to

(1) Dilke, "Problems of Greater Britain," pp. 529, 533. "Correspondence relating to Chinese Immigration into Australasian Colonies," 1888, pp. 25, 26, 37, 38.

(2) Correspondence relating to Chinese Immigration into Australasian Colonies, 1888, pp. 71–72. Victorian Year Book, 1890–91, Vol. I. p. 243.

(3) Correspondence relating to Chinese Immigration into Australasian Colonies, 1888. pp. 76, 83. 84. Text of Acts. Acts of the Parliament of South Australia, 1888, No. 439.

land, but a clause indemnifying the Executive Government and all persons authorised by them to check the landing was introduced into the Chinese Restriction and Regulation Bill then before the New South Wales Parliament. This Bill became law in 1888. The Imperial Government did not interfere in spite of a second remonstrance from the Chinese Minister, and Sir Henry Parkes declared that "neither for Her "Majesty's ships of war, nor for Her Majesty's representative on the spot, nor for Her Majesty's "Secretary of State for the Colonies, do we intend to "turn aside from our purpose." The excitement ran so high in Victoria, New South Wales, and New Zealand that hostile demonstrations were feared, if the Chinese should attempt to land. Proclamations, first promulgated in 1876 declaring the Chinese Empire, Hong Kong, and Sumatra to be infected with small-pox and establishing quarantine, were republished without any alteration. The agitation bore fruit in the Acts of 1888, which have been found adequate to limit Chinese immigration.(1).

C.—Public Provision for the Unemployed.

Victoria, New South Wales, Queensland, and New Zealand amongst the Australasian colonies have established bureaux of labour, and sought to make provision for the large number of men out of employment.

a. Victoria. This lack of work in Victoria is ascribed to the depression in industry following upon the strike of 1890. A labour registry was established in Melbourne by the Salvation Army at the beginning of 1892, which by March 10th had provided work for 1,500 applicants out of the 3,300 whose names were on its books. The Trades' Hall Council opened an opposition bureau in March, but the Government refused to recognise it, on the ground that the Salvation Army's registry was "more convenient." This refusal occasioned much discontent amongst the unemployed, and one of their number was appointed to seek an interview with the Commissioner of Public Works, and to arrange for the reception of a deputation. He stated that the unemployed objected to registering their names at the Salvation Army's bureau because "impertinent questions were asked about their religion." On the refusal of the Commissioner to consider the establishment of a Government labour bureau, the crowd assembled round his offices attempted to force an entry, but were frustrated and dispersed by the police. A few days later the Premier, Mr. Shiels, received a deputation from the unemployed, and promised that no time should be lost in bringing before the legislature a Bill for the establishment of a labour bureau. Public works, involving a large expenditure, were also set on foot, and that the number of men employed might be increased, part of the staff were put to work half time. The promised bureau was established by the Government in Melbourne at the end of March, and by the end of July 6,300 names had been registered, and situations found for over 1,000 men. The applications of employers for workmen have been numerous, but in some cases the small remuneration offered led the officials to refuse to consider the application. On the other hand the trade unions interfere to prevent men from accepting work if wages are at all below the union rate. In one case, where two stonemasons were wanted at 2*s.* a day, no candidates for the work appeared throughout the day, though the bureau was crowded; in the evening, however, two men applied stating that they dared not accept the work openly at less than the trades' hall standard of wages. There is growing evidence of a desire on the part of farmers to give work at reduced wages; several men have accepted employment at 10*s.* a week with board. A large amount of charitable aid has been bestowed upon the unemployed in Victoria. At a meeting of the committee of the Salvation Army's free labour bureau, it was reported that over 250*l.* had been received, 2,660 meals supplied, rations given to 220 families, 400 men sent to work, and 460 free railway passes issued. An association, known as the "legion of relief," was also formed to administer the money and food supplied for the use of the unemployed. Before August more than 1,000*l.* had been expended, and three tons of flour, supplied by country mills, baked into bread and distributed free of cost.(2)

b. New South Wales. In New South Wales the depression in the labour market has been as great as in Victoria. The Government has, however, steadily resisted the pressure put upon it to organise relief works, though it has assisted the unemployed as far as possible by establishing a labour bureau in February 1892. Every unemployed person who wishes to make use of the bureau must attend at the central office and register his name, age, and birthplace, as well as the work to which he has been accustomed, and, if possible, the references to character which he can produce. No fee is charged either to employers or employed, and the Government expressly state that they will not in any way interfere with the rate of wages offered or the hours of work, which are to be a matter of arrangement between the two parties. According to a progress report, showing the working of the bureau between February 18th and April 12th 1892, submitted to the colonial secretary in May, 7,300 persons registered themselves, 1 per cent. of whom were unable, either from physical defects or from old age, to perform hard manual labour. Employment had been found during the same period for 1,855 men, free railway passes granted to 1,175, and steamer passes to 109. The number of married men registered was 2,840.

The applicants for work were classified as follows:—

Unskilled labourers - - -	3,884
Tradesmen and mechanics - -	3,141
Clerks and collectors - - -	227
Professional men - - - -	48

Amongst them were about 150 professional loafers, 66 of whom, after registering themselves, were locked up for drunkenness. The report also stated that numerous letters had been received from employés and from employers, expressing satisfaction with the employment found, or with the labour supplied. On the other hand some men after engagement had made no attempt to reach their proper destination, and others had on arrival been dissatisfied with their wages, or with the conditions of their employment, and had refused to work. According to a half-yearly report published by Mr. Creer at the end of August, the total number of unemployed registered in the six months during which the bureau had been in existence was 13,447; work had been found for 5,767. There were among the applicants about 500 chronic loafers, who did not come to the bureau in the daytime to see what work was being offered, but used the place as a night shelter. The daily attendance of men willing and able to work ranged from 250 to 1,500, the average number being 400. Of the men w. o had obtained employment 63 per cent. were labourers, 27 per cent. tradesmen, and 8 per cent. clerks and professional men. In several instances men, who had been provided with employment in the country, had, after working for a time on wages, developed into employers, and given work in turn to many of their former associates in clearing, mining, and charcoal burning. There had been difficulty in obtaining boilermakers, saddlers and bricklayers at current rates.(3)

The leaders of the labour party did not approve of the establishment of a Government bureau. It is said that in one instance a dozen men who had obtained employment through it were violently assaulted as they left work, and accused of being blacklegs. In consequence of this treatment, none of them appeared on the next day. During the discussion of the supplementary estimates in the Assembly, Mr. Rae accused the Government of making use of the bureau to play into the hands of employers, who were seeking to reduce wages, and to break up the unions in the country districts. It was also stated that the bureau was always "haunted by the detectives of Sydney" on the look out for discharged prisoners, whom they report to the officials of the bureau, and thus deprive of their last chance of earning an honest living. According to the "Bulletin":—

"The institution was created, at the cost of the nation, to furnish an equal chance of employment to any man who is willing to work. When it is used as an engine to prevent the reformation of a discharged criminal, then it becomes an outrage upon morality and an indelible disgrace to everyone concerned."(4)

(1) Correspondence relating to Chinese Immigration into Australasian Colonies, 1888, pp. 1, 3, 23, 42, 46, 49, 51, 53. Dilke, "Problems of Greater Britain," p. 531. Victorian Year Book, 1890-1, Vol. I., p. 243.

(2) "St. James's Gazette," March 9th, 1892. "Scottish Leader," March 10th, 1892. "Evening News," March 3rd, 1892. "Bradford Observer," April 2nd, 1892. "Morning Post," April 2nd, May 16th, 1892. "Echo," March 26th, 1892. "Times," April 18th, 1892. "Daily Chronicle," August 15th and 20th, 1892. "Argus" (Melbourne), May 5th, 1892.

(3) "Sydney Mail," February 20th, 1892. "British Australasian," June 2nd, 1892. "Sydney Morning Herald," September 5th, 1892.

(4) "Sydney Bulletin," March 9th, 1892. "Morning Post," April 11th, 1892. "Star," May 3rd, 1892.

c. Queensland.

Agitation with regard to the lack of employment began in Queensland as early as the autumn of 1886, when a Government labour bureau was established in Brisbane. Between October and December in that year, 624 men were sent with free passes either to work or to their friends. The shipping companies also agreed to convey passengers nominated by the bureau at two-thirds of the ordinary steerage fare. The immigration agent, who conducted the bureau, was of opinion that the distress was more apparent than real, since work at reasonable wages met with insolent refusal. In one case a man, who had said to the chief secretary that "we are nothing but beggars, and beggars cannot be choosers," refused work in his own calling at 70*l.* a year, because it was up country. Other men, who had borrowed tools from the bureau to begin work, never took the trouble to redeem the pledges given for them.(1)

This labour bureau is still in existence, and is very active in the matter of assisting immigrants to find employment and preventing them from falling into the hands of the private registry offices, which charge exorbitant fees. The report, drawn from statistics supplied by assistant immigration agents and clerks of petty sessions for 1890 states that the total registered demand for labour was 3,758, and the total supply 2,855, the excess of demand over supply referring almost exclusively to farm labourers and female domestic servants. A great number of men were out of work in Brisbane during the early part of the present year. On the 16th of March the labour bureau was besieged by an excited crowd of women and children, who assembled to the number of 400 and demanded assistance, which the Government undertook to afford until employment could be provided. Relief was administered from the immigration depôt, and free transit was provided across the river, so that all applicants might reach the depôt without expense. In May the Mayor of Brisbane stated that there were from 1,000 to 1,200 honest labouring men out of employment in that town alone. Many who had been working for 2*l.* 10*s.* a week were glad to secure employment at 25*s.*, whilst in other cases workmen had been obliged to mortgage their houses, and then to sell them in order to meet their liabilities.(2)

d. In New Zealand.

In June, 1891, a Government Bureau of Industries was established in New Zealand with the object of collecting statistics and controlling the movements of labour so as to secure work for the unemployed. Between that date and March 1892, 2,400 persons were assisted to find work. Eight hundred of these were employed in constructing roads and railways, and in other public works on the gang or contract system, according to which one man is elected "ganger" or trustee, and deals with the Government on behalf of the rest. Small farms to be cultivated by working men in village settlements are also provided by Government. According to the report, "A State farm is to comprise about 1,000 acres "of land, fit for agricultural purposes, and to this "farm will be drafted the surplus workmen of the "towns. Many of the 'unemployed' applying at the "labour bureau are clerks, stewards, firemen, tailors, "printers, &c., who, crowded out of their regular "employments, are in a state of destitution; these "being in addition to a large number of general "labourers, who, though used to the pick or shovel, "have no knowledge of work upon farm or station. "All these could be sent with advantage to some farm "or station, where, in return for some small wage, "they could assist in the general work of a farm, and "make its cultivation pay expenses, while, in the "meantime, the workmen themselves were being "trained to habits and duties fitting them for the "general labour market. It is desired that buildings "should be erected by the men themselves, with the "help of some skilled assistance, that cottages should "be built for married men with families, and that "to those who show themselves most interested and "capable, co-operative shares in the profits of the farm "should be given." The system of co-operation, as established by the present government of New Zealand, has not given universal satisfaction. A serious attack was made upon it in the House of Representatives in July 1892, by Mr. Fisher, who contended that the establishment of such a system attracted the surplus pauper population of New South Wales, whilst it did not check the emigration from New Zealand of people possessing skill or money. He also stated that in some parts of the Colony men working on the co-operative system received all the wages they claimed, whilst in other parts a deduction was made by the examining engineer. In proof of his statement he read a letter from one of his constituents complaining of the treatment which he and his fellow workmen had received. The writer was one of a gang of six men working on the Woodville Railway at Eketahuna. They began work on the 21st of December, 1892, and when they had cleared the timber, they received an instalment of wages; 20*l.* of this was spent in the purchase of rails and trucks without which the work could not proceed. The balance left was only 5*s.* for each man. A tally was kept of the number of yards cut each day. At the end of the second month 70 per cent. was paid on the work, 34*l.* of which was spent in the purchase of a horse and cart and other necessaries. At the end of the third month the writer received enough money to enable him to go to Wellington to bring his wife and children to Eketahuna; while there he went to the Public Works Department, where he saw the under secretary, and was told that all expenses would be repaid when the work was finished. This action, he contends, annoyed the engineer, who from that time only paid 60 per cent. on the work done. When the contract was finished the cutting was not measured, and the full amount due to the men remained unpaid. They received no compensation except payment for the two trucks bought. The acting engineer refused to employ the men on other work until they went to Wellington and were sent down again by the bureau. On this last point, Mr. Fisher says: "In "order to swell the bureau returns, the Government "is prepared to go to the expense of paying the "railway fare down to Wellington and back again, in "order to get the men's names through the books of "the bureau. These co-operative works are set up, "not for the benefit of the working man, but to "establish political communities, where, under the "one month provision in the Electoral Bill, these men "can be kept contiguous to the boundaries on any two "electorates, and may be shifted from camp to camp "to be used as they may be required."(3)

(1) Queensland Immigration Agent's Report for 1886, 1889, and 1890.
(2) "British Australasian," March 16th, 1892. "The Western Press," March 27th, 1892.

(3) Report of Bureau of Industries, New Zealand, April, 1892. Speech delivered by Mr. G. Fisher, July 27th, 1892. The inspection of factories is a branch of the work of the Bureau.

APPENDIX A.

Friendly Societies.

Almost all the English friendly societies have branches in Australia. The Manchester Union of Oddfellows, in particular, has 16,000 members in Victoria, 13,000 in New South Wales, and 12,000 in South Australia. The largest number of friendly societies is in Victoria, where, according to Sir Charles Dilke, there are 800 courts with 70,000 members, and an income of 25,000*l.* This membership includes nearly all the artisans in the Colony, as well as a considerable number of the smaller shopkeepers. Though the increase during 1890 was less than in 1889 or 1888, the capital of the societies showed a considerable increase both in aggregate amount and in the amount for each effective member. Societies containing 51 per cent. of the total number of members are reported to have adopted adequate or nearly adequate contributions; societies having 35 per cent. have increased their contributions more or less effectively, and only those containing 14 per cent. have made no increase. The Report for 1890, however, states that the practice of misappropriating sick and funeral funds to medical and management purposes is on the increase. No provision is as yet made for granting old-age pensions.

The Registrar of Friendly Societies in Queensland reports that the returns of these societies continue to show a general improvement, and that they are steadily increasing. As much as 11·9 per cent. of their capital, however, remained uninvested in 1890, and the misapplication of benefit funds to management purposes continued to increase.

The Registrar for New Zealand reported in 1890 that there were a great number of Courts of Rechabites and other temperance societies in that Colony, and that the rate of mortality amongst the Rechabites was only 69 per cent. of that of the Foresters and other societies. The sickness rate in the friendly societies as a whole is stated to be 10 per cent. higher in New Zealand than in England. This is due in part to want

of care in investigating the health of candidates for membership; the statistics also show that very few of those members whose health is indifferent ever withdraw from the society, whilst withdrawals are frequent amongst those in sound health, especially during the age-period in which the number of entries is the largest. In New South Wales friendly societies are required to register themselves, but their compliance with the Act is said by the Registrar to be very incomplete. The following statistics of friendly societies throughout Australasia are given in Mr. Hayter's Victorian Year-Book for 1890–1.

Colony.	Year.	No. of Orders or Societies.	No. of Branches.	No. of Members.	Amount of Funds.
					£
Victoria - -	1890	32	1,003	88,134	909,564
New South Wales -	1890	10	652	53,795	394,620
Queensland - -	1889	15	203	15,165	102,914
South Australia -	1888	9	344	30,289	249,832
Western Australia -	1888	4	17	771	9,301
Tasmania - -	1889	17	89	8,692	59,523
New Zealand -	1889	13	364	26,013	430,544
Total - -			2,672	222,859	2,156,238

It is officially laid down by the executive of the societies that no candidate for membership is to be excluded on the ground of race, but Sir Charles Dilke states, that as a matter of fact, it is difficult to obtain the admission of aborigines or Chinese.

Building societies are stronger throughout the colonies than in England, and the life insurances in Australasia amount to a sum of some 45,000,000*l.* In New Zealand the Government undertake life insurance and do far more business than any private company (1).

APPENDIX B.

Text of Acts, and Schemes for Boards of Conciliation.

1. Conciliation, New South Wales.

Constitution of the Board of Conciliation for the Colony of New South Wales.

(Formed for the purpose of mediating in matters of dispute between employers and employees.)

1. The name of the Board shall be the Board of Conciliation for the Colony of New South Wales.

2. The objects of the said Board shall be to investigate such disputes between employers and employees as are duly and properly referred to it under the provisions of this Constitution, and in accordance with the several rules hereto attached; and to recommend such terms of adjustment as may seem to and be declared by it to be fair and reasonable.

3. The said Board shall consist of not more than eighteen (18) and not less than ten (10) permanent members, half of whom shall be appointed by the Trades and Labour Council, and half by the executive of the New South Wales Employers' Union; and, when deemed necessary by such permanent members, such additional one (1) or three (3) members, as the said permanent members shall think fit to elect from without the before-mentioned bodies.

4. Every member of the said Board, appointed by either the Trades and Labour Council, or the Executive of the New South Wales Employers' Union, shall, at the time of such appointment, be a member of either one of those two bodies.

5. Every member of the said Board, appointed by either of the two herein-before-mentioned bodies, shall, unless removed as herein-after provided, be and remain a member of the said Board during the whole period for which he shall have been appointed by either of the said bodies; but in no case shall any such member be appointed at any one time for a longer period than twelve (12) months, and he shall be subject to removal at any time by resolution of the particular body by which he was originally appointed.

6. Every member of the said Board elected by the before-mentioned permanent members, as provided by clause 3, shall be and remain a member of the Board for such time only as he shall have been elected; but in no case shall any such member be elected for a longer period than remains of the term of office of the latest appointed of the permanent members: Provided also, that any such outside member shall be subject to removal at any time by resolution carried by a majority of the permanent members of the Board present.

7. In every case in which a vacancy shall occur among the permanent members of the said Board, such vacancy shall be filled by appointment from the particular body by which the member whose seat has become so vacant had been filled.

8. A quorum of the said Board shall consist of not less than six (6) members, including at least three (3) permanent members appointed by each of the above-mentioned bodies: Provided that in the event of a larger number of those members appointed by the New South Wales Employers' Union being present than of those appointed by the Trades and Labour Council, or *vice versâ*, arrangements shall be made before the Board proceeds to the conduct of its business by which the number in excess on the one side or the other shall, while possessing all the privileges of discussion, abstain from voting upon any question which may be decided while such inequality exists.

9. All members of the said Board shall be eligible for re-election.

10. A vacancy shall occur in the said Board by the happening of either of the following events, viz.:—Death, resignation, absence (without such reasons as are in the opinion of the Board satisfactory) from three (3) consecutive sittings; or removal under clauses 5 and 6.

11. Every member of the said Board who, in the opinion of the majority of the remaining voting members present at any sitting of the Board, shall be interested in any question upon which the Board are about to adjudicate, shall, upon the passing of a resolution to that effect, be disqualified from taking any part in such adjudication.

12. A Chairman of such Board shall be appointed from among the members present at the time of any such appointment, and shall when present continue to act as such chairman until the adjudication of the question under consideration has been fully disposed of by such Board; and such Chairman shall have one vote only, but no casting vote: Provided always that in the event of any such Chairman appointed at a previous meeting being absent, the Board shall have power to appoint a substitute either for one sitting or only for the remainder of the time during which the subject under adjudication shall be continued.

13. The rights and powers of the said Board to adjudicate shall be limited to such definite issues as require settlement between two or more parties, being constituents of the Trades and Labour Council and of the New South Wales Employers' Union Executive respectively, or of some affiliated body having duty subscribed to this constitution and the rules and regulations affixed thereto, but no question shall be referred to the said Board which may involve any proposal to increase the hours of labour beyond those which may be observed by the parties when this reference was made.

14. The said Board shall be moved to action only at the joint request of two or more parties entitled to the assistance of such Board, between whom some disputed question has arisen and has failed to reach a settlement through the respective secretaries of the Trades and Labour Council and New South Wales Employers' Union; and through the further intervention of the Committee of Inquiry provided by clause 21: Provided that such joint request shall be in writing, addressed to the Secretary of the said Board, and endorsed by the Secretaries of the Trades and Labour Council and New South Wales Employers' Union, on behalf of and with the consent of their respective bodies.

15. The said Board shall conduct its deliberations at such place as its members, when called together, may from time to time deem most advantageous to all parties concerned.

16. The said Board shall from time to time, as it may think fit, appoint, suspend, or remove one or more secretaries or amanuenses for the convenience of the Board, and such secretary or secretaries or amanuenses shall, if necessary, be remunerated by the Trades and Labour Council and the New South Wales Employers' Union jointly.

17. The said Board shall have power to examine, on oath or affirmation, all such persons as shall be presented as witnesses for the purpose of throwing light on any question which it may be engaged in adjudicating upon, or on any matters which, in the opinion of the Board, are calculated to elucidate such questions.

(1) Annual Report of Registrar of Friendly Societies, New Zealand, 1890. Dilke "Problems of Greater Britain," pp. 539–542. Report of Royal Commission on Strikes, New South Wales, 1890, Evidence, p. 123. Annual Report of the Chief Registrar of Friendly Societies, the United Kingdom, 1891, Appendix E., pp. 87, 88.

18. All questions which shall from time to time come before the said Board for adjudication or determination of whatsoever kind shall be decided by the majority of the members present (subject to clauses 8 and 12); and when any question shall have been so settled, such settlement shall be accepted and recognised by all members of the Board as the unanimous determination of finding thereof.

19. In each and every case in which it is deemed advisable or necessary by the Board to test the feeling of its members by voting, such voting shall be conducted by ballot.

20. The constitution and rules of the said Board may from time to time be altered by resolution of the Board carried for that purpose, approved and confirmed by the Trades and Labour Council and the New South Wales Employers' Union Executive respectively.

21. The said Board shall appoint from among its permanent members, every six (6) months, a Committee of Inquiry, consisting of four (4) members—two (2) from the Trades and Labour Council and two (2) from the New South Wales Employers' Union Executive, two (2) to form a quorum (including one of the members appointed from each body aforesaid); and the duties of such Committee shall consist in investigating (without formally taking evidence) and endeavouring to effect a settlement of any dispute which may be referred to it, under the provisions of clause 13. Such Committee shall be empowered to take whatever steps for the above purposes it shall deem advisable.

22. All expenses incurred by the said Board (excepting such as are for the benefit of any particular person or persons, or subordinate body or bodies) shall, in the first place, be borne by the Trades and Labour Council and the New South Wales Employers' Union in equal proportions.

23. So soon as the members of the said Board shall have been duly appointed, it shall be their duty to consider themselves as representing no particular side in any dispute upon the adjudication of which they may be engaged, but to regard themselves as arbitrators appointed to consider every interest concerned, and to act in the joint interest of all; and it shall further be the duty of every such member to divest himself as much as possible of any disposition of feelings which may lead him to regard one side more favourably than another.

Rules and Regulations incidental to and forming part of the Constitution of the Board of Conciliation:—

The following Rules and Regulations shall be strictly observed by all bodies or organisations, and by all persons being constituent members of, or coming under the jurisdiction of any such bodies or organisations as have, through their duly appointed representative or representatives, subscribed hereto:—

1. No alteration shall hereafter be demanded by either employers or employees, in the hours of work, the rate of wages, or system or conditions of working, except after *two months'* notice in writing, by the person or persons desiring such alteration to the person or persons with whom such alteration is desired to be effected.

2. No strike or lock-out shall, under any circumstances whatever, be threatened or resorted to until *all* the following steps have been taken to procure a settlement of the question or questions at issue between the employer or employers and the employee or employees:—

First.—The matter or matters in dispute have been referred to the secretaries of the Trades and Labour Council and the New South Wales Employers' Union respectively, and they have failed to secure a settlement.

Second.—The matter or matters in dispute have been referred to the Committee of Inquiry appointed for such a purpose under clause 21, and it has failed to secure a settlement.

Third.—The matter or matters in dispute have been referred to the Board of Conciliation, and the decision of such Board has been refused recognition and observance: Provided that such non-recognition or non-observance must in all cases be certified to in writing by the Committee of Inquiry before being deemed sufficient to justify such strike or lock-out.

Provided that the restriction upon strikes and lock-outs imposed by this rule shall not be considered binding in any case in which one or two or more parties to any dispute refuses or neglects to refer the subject matter in dispute to the Board, after having been requested so to do by the Secretaries of the New South Wales Employers' Union and the Trades and Labour Council, and such refusal or neglect has been certified to by the Committee of Inquiry.

3. In the event of a strike or lock-out being resorted to by any of the bodies or organisations having subscribed hereto, or by any person or persons members thereof, without the three events recorded under the last clause having taken place, every other body or organisation having subscribed hereto, and every member thereof, shall be in duty bound to refuse to any such body or organisation, or such member or members of the same, all sympathy or support of any kind whatsoever in its or their independent action

51° VICTORIÆ, 1887.

A Bill to provide for the establishment of Boards of Conciliation and Arbitration for the settlement of trade and labour disputes.

[Mr. Carruthers;—7 July 1887.]

Preamble.

WHEREAS it is expedient that Boards of Conciliation and Arbitration should be established for the settlement of trade and labour disputes Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

Interpretation clause.

1. In the construction of this Act unless the context shall otherwise indicate the following terms in inverted commas shall bear the meanings and include the things herein-after severally assigned to or set against them—

"Governor"—Governor with the advice of the Executive Council.

"Employer"—Any person or partnership of persons or company registered under any existing Act or otherwise employing the services or labour or work of any other persons to the number of not less than five persons otherwise than as domestic servants.

"Employees"—Any persons employed by or working for any employer under any contract express or implied oral or in writing on any work or labour other than domestic service.

"Board"—A Board of Conciliation or Board of Arbitration according as the context indicates.

"Public advertisement"—Advertisement in "Gazette" and in such daily papers as may be deemed necessary by the Board.

Board of Conciliation; its composition.

2. A Board of Conciliation shall consist of three members namely the Chairman who shall be appointed by the Governor one member who shall be elected by the employers and one member who shall be elected by the employees in manner herein-after directed.

First chairman.

3. On the passing of this Act the Governor shall within thirty days thereafter appoint the first Chairman of the Board.

First election. Registration of voter.

4. Such Chairman shall thereupon by public advertisement call upon all employers and employees to register themselves as such within thirty days from a date to be mentioned in such advertisement And for the purpose of such registration the Chairman shall keep a book to be termed the register of trades Provided that the Chairman may refuse to register any person whom he may deem not duly qualified as an employer or employee within the meaning of this Act.

Nomination of candidates for seats on Board.

5. Upon completion of such registration the Chairman shall by public advertisement invite the persons so registered as employers before a date not less than fourteen days nor more than twenty-eight days after publication of such advertisement to nominate in writing one person being a male elector of the Colony to serve as a member of such Board And likewise shall invite the employees to nominate such a person to serve as a member of such Board And every nomination shall be made in writing and signed by two or more voters And in the event of only one person being nominated for each or either of the said offices such person shall be declared by such Chairman to be duly elected And in case more than one person shall be nominated then a ballot shall be taken within seven days from the last day fixed for nominations and at a time and at such convenient places and in manner to be duly notified by public advertisement as the Chairman may fix and direct And the Chairman shall appoint such scrutineers and assistants as he may require to act with him in taking such ballot and upon such ballot being taken and held the person receiving the greatest number of votes shall be elected to such office as member of the Board Provided that at such and all other elections the register of trades shall be the roll of persons entitled to vote.

Ballot in case of more nominations than one.

Period of office.

6. The members of such first Board shall hold office for a term from the day of election up to the thirty-first day of March one thousand eight hundred and ninety-one and members of all subsequent Boards shall hold office for a term of three years from date of election Provided that

all members shall on their ceasing to hold office be eligible for re-election or re-appointment.

Vacancies, how supplied.

7. Any vacancies occurring in such Board from time to time before the period limited for the existence of such Board shall be filled up by election in manner as in original elections save and except in case of Chairman when a successor shall be appointed by the Governor.

In default of nominations Governor may appoint.

8. In case no nominations are made of a person to fill a vacancy or to act as member of the Board on behalf of the employers and employees then in such case the Governor shall appoint a person to fill such vacancy or to act as such member.

9. After the first election all future elections shall be conducted in manner following namely—

Future elections; how conducted.

(I) The register of trades shall be deemed to be the roll of persons entitled to vote at such elections.

(II) Every employer of labour and every employee shall in the month of January in each year cause his name to be entered on such roll with particulars of the business or trade engaged in.

(III) The employers and employees of labour shall as a body each on or before the fourteenth day of February one thousand eight hundred and ninety-one and likewise in every third succeeding year nominate persons to serve as members of such Boards and in case of more than one being nominated a ballot shall be taken within fourteen days and the persons so elected by a majority at such ballot or by unopposed nomination shall serve as a member of such Board.

(IV) The collection of such register of trades and the conduct of such election shall in all cases be in the hands of the Chairman of such Board for the time being.

Colony may be divided into districts.

10. It shall be lawful for the Governor at any time and from time to time by proclamation duly notified in the "Government Gazette" to divide the Colony into districts and to limit the jurisdiction of Boards of Conciliation to such districts and to establish such Boards for each of such districts and the provisions of this Act.

Member of Board unfit may be removed.

11. It shall be lawful for the Governor at any time to remove from office any person holding office as a member of such Board upon any grounds which show that he is manifestly unfit or incapable of performing the duties of such office.

Subjects of jurisdiction of Board.

12. Such Board of Conciliation shall have power to inquire into any matters referred to it relating to any dispute that may have arisen or that may arise in regard to any matters affecting the relations existing between employers and employees either as regards rate of wages hours of labour terms and conditions of employment provision for safety of employees and objections to class of labour employed and otherwise.

Power to view localities, to summon witnesses, &c.

13. And for the purpose of making such inquiry effective such Board shall be and is hereby empowered to visit enter and view any works workshops mines factories or other places of business or localities where the matter referred shall have arisen And to summon and on oath to examine any witnesses on such matter And to order the production of any books referring to or relating to the matter so referred And generally to take such action as may appear necessary for the thorough investigation into the matter referred to such Board And any person neglecting or refusing to obey any summons or any order under this section shall be liable to a penalty not exceeding *fifty* pounds.

Proceedings of Board.

14. The proceedings of such Board shall be of an open and public character and any person shall be permitted to appear and represent either or any of the parties in the matter referred as an advocate.

Penalty for obstructing Board.

15. In case any person shall in any way obstruct or impede the Board in the course of any inquiry he shall be liable to a fine not exceeding *two* pounds and in default imprisonment not more than seven days.

Conduct of proceedings.

16. The proceedings of such Board shall be conducted with all reasonable despatch and shall be governed by rules of justice and good conscience without regard to technical or legal rules of evidence.

Award.

17. After due inquiry made in accordance with the provisions of this Act it shall be lawful for such Board to make such award for the adjustment of the matters referred to as it may deem expedient on the merits of the matters and such award may be made under seal subject to payment of any fees ordered to be paid thereon.

How matters may be referred.

18. Matters may be referred to the Board in manner following namely—

(I) By petition of all of the parties to the matter so referred such petition setting forth clearly the nature of the matter referred for award and signed by them or some person appointed by them for that purpose.

(II) By petition in like manner of one of the parties namely the employers or a majority of the employees and signed in like manner.

(III) By the Governor in cases where the settlement of the matter in dispute is deemed one of urgent public importance and where the parties have failed to refer it by their own petition.

Cases to be submitted.

19. In all such cases where matters are referred to such Board under the preceding section it shall be lawful for such Board to call the parties before it by summons and to direct such parties forthwith or within seven days to submit their respective cases in writing to such Board and to state likewise in writing whether they agree or do not agree to be bound by the decision of such Board to be given after due inquiry as in manner herein-before provided Any person failing to comply with such summons shall be liable to a penalty of not more than *forty* pounds And further in case of default of any party to appear to such summons the other parties duly appearing and stating their case the Board may proceed *ex parte* to enquire and make its award on the matter referred to it.

Enforcement of awards in certain cases.

20. In all cases where the parties shall agree to be bound by the decision of such award of the Board the same may be made a rule of the Supreme Court on the application of any of the parties and any person after such agreement made failing to comply with such award whether made a rule of Court or not shall be liable to a penalty of not exceeding *one hundred* pounds if an employer and *five* pounds if an employee.

Time for enforcement.

21. No award shall be subject to enforcement under the preceding section for a period over three months after the date thereof.

Boards of Arbitration.

22. It shall be lawful for any of the parties to any matter referred to such Board either by the petitions mentioned in section sixteen or by the statements required in section seventeen to require two arbitrators named by such parties to act on their behalf jointly with such Board in the inquiry in the matter referred. And thereupon such Board shall call upon the other party to the matter referred within seven days to nominate and appoint two other arbitrators to act on their behalf and in case of failure to nominate two such arbitrators the Board shall nominate two to act on their behalf And thereupon a Board of seven members shall be constituted to inquire into and decide upon the merits of the matter so referred And such Board shall be termed a Board of Arbitration and shall conduct the inquiry and make its award in like manner and have the like power as the Board of Conciliation under the provisions of this Act Provided that the award of such Board of Arbitration may in all cases be made a rule of the Supreme Court of New South Wales on the application of either party and in cases where each party has duly nominated arbitrators the award of such Board of Arbitration shall be complied with by all parties for a period of at least three months thereafter and any person failing so to comply with such award shall be liable to a penalty of not more than *one hundred* pounds for any employer and not more than *five* pounds for any employee.

Award of majority.

23. The award of a majority of any Board of Conciliation or Arbitration shall be deemed to be the award of the Board.

Fees, &c.

24. There shall be payable under the provisions of this Act the fees set out in the Schedule hereto and all such fees shall be paid into some bank in the city of Sydney to the credit of a fund to be called the Trades Conciliation Act Fund for the purpose of carrying out the provisions of this Act and all payments made on account of this Act shall be by cheques on the said bank signed by the Chairman of such Board.

Application of moneys.

25. The Chairman of such Board shall apply the moneys received under this Act in the following manner that is to say on the payment of all authorised expenses and charges incurred in carrying into effect the provisions of this Act.

Fees payable to members of Board.

26. The members of such Board shall be paid out of the fees received as follows namely Chairman four pounds four shillings per diem for every sitting and other members of the Board three pounds three shillings per diem for every sitting And in addition thereto the Chairman shall be allowed an additional sum of not exceeding two hundred pounds per annum out of the fees received for conducting and managing all elections and business under this Act And it shall be lawful for such Board if it shall deem it necessary to appoint officers to assist in the business of such Board at such salaries payable out of the fees receivable under this Act as it may fix.

Free travelling and use of public buildings to Board.

27. All members of such Board and all its officers shall have the right of free travelling on all Government railways or Government conveyances in the performance of

its duties and shall so far as other public business will permit have the free use of any Government buildings in any city or town for the purpose of holding its sittings and transacting its business in the course of any inquiry.

Recovery of penalties.

28. All fines penalties and forfeitures under this Act may be recovered in a summary way in the nearest Court of Petty Sessions.

Disposal of penalties.

29. All fines penalties and sums of money and all other income received or recovered under this Act shall be paid to the Chairman of the Board who shall keep accounts of the same.

Short title.

30. This Act shall be styled and may be cited as the "Trades Conciliation Act of 1887."

THE SCHEDULE.

Fees payable under this Act.

	£	s.	d.	
From every employer on registering in Trades Register - - -	0	1	0	
For every ten employees employed by him to be paid by him - -	0	1	0	
On lodging petition - - -	1	0	0	
And half sum sufficient to cover fees of Board during sittings to be fixed by them.				
On lodging statement in reply to petition - - - - -	1	0	0	
And half such fees as aforesaid of party not petitioning.				
On taking up award fees fixed by Board - - - -				
Copies of evidence or other proceedings - - - -	0	1	0	per folio.
For each subpœna required by parties	0	1	0	

NEW SOUTH WALES.

Anno quinquagesimo quinto Victoriæ Reginæ.

No. XXIX.

An Act to provide for the establishment of councils of conciliation and of arbitration for the settlement of industrial disputes. [Assented to, 31st March 1892.]

Preamble.

Whereas it is believed that the establishment of councils of conciliation and of arbitration for the settlement of disputes between employers and employees would conduce to the cultivation and maintenance of better relations, and more active sympathies, between employers and their employees, and would be of great benefit, in the public interest, by providing simple methods for the prevention of strikes, and other disputes, from the effects of which industrial operations may suffer serious and lasting injury, and the welfare and peaceful government of the country be imperilled: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Establishment of Industrial Districts, &c.

Industrial districts, &c.

1. The Governor shall, within three months after the passing of this Act, cause New South Wales to be divided into industrial districts for the purposes of this Act, not exceeding five in number; or, at his discretion, instead of so dividing the Colony, he may treat it as one industrial district for the said purposes. If the Colony shall be divided into industrial districts, every such district shall be notified in the "Gazette"; and in the notification shall be specified the designation and the limits of such district. By a like notification the Governor may abolish, alter, subdivide, or modify the boundaries of any such district, or unite any two or more districts, and may, from time to time and in like manner, exercise any of the said powers, as he may think fit.

Office of clerk of awards.

2. In and for every industrial district, or in and for the Colony (if undivided into districts), there shall be a clerk of awards, who shall be appointed by the Governor, and be paid such salary or remuneration as Parliament may provide. The position of clerk of awards may be held separately, or in conjunction with any other position in the public service, as the Governor may determine. The clerk of awards shall, in the prescribed manner, report to the president of the council of arbitration all proceedings and matters commenced, taken, or done by or before him, and shall be provided with an office.

Duties, &c. of clerk of awards.

3. It shall be the duty of the clerk of awards to receive and register, and, subject to the provisions of this Act, to deal with all applications within his district lodged by employers or employees, or on their behalf, for reference to the council of conciliation for the district, or to the council of arbitration, of any dispute or claim within the meaning of this Act; to convene any such council for the purpose of dealing with any such dispute or claim; to keep a register in which shall be entered the particulars of all references and settlements of disputes and claims made to and by the council of conciliation, and of all references and awards made to and by the council of arbitration; and generally to do all such things and take all such proceedings as may be required in the performance of his duties in accordance with the regulations. The clerk of awards shall be the officer to issue all summonses to witnesses to attend to give evidence, with or without the production of papers and documents, before any such council, and to issue all notices and perform all other acts in connexion with the sittings of such council in the prescribed manner.

Councils of Conciliation.

Establishment of councils of conciliation.

4. In and for every industrial district there shall be a council of conciliation for the settlement of disputes and claims pursuant to this Act, which council shall consist of four members, two to be appointed by the Governor on the recommendation of the organisation, or a majority of the organisations representing the interests of employees and registered according to the law regulating the registration of trades unions or friendly societies which have a registered office or offices within such district, and two to be appointed by him on the recommendation of the organisation or a majority of the organisations representing the interests of employers and registered according to the law regulating the registration of trades unions or friendly societies which have a registered office or offices within such district; and each such organisation or majority as aforesaid is herein-after referred to as a recommending authority. If, and so long as, the Colony shall not be divided into industrial districts, there shall be a council of conciliation for the whole Colony, which shall consist of not fewer than twelve nor more than eighteen members; and of the entire number (which shall in every case be some number divisible by two) one-half shall be appointed by the Governor on the recommendation of each of the several recommending authorities.

The procedure for the purposes of making out lists of such organisations and of ascertaining and giving effect to the recommendations of such recommending authorities shall be prescribed by regulations to be made pursuant to this Act: Provided that if and so long as the Colony is not divided into industrial districts, such regulations shall be so framed as to provide, as far as may be practicable, that the council of conciliation appointed for the whole Colony shall be fairly representative of all large centres of industry in the Colony.

(i.) As soon as practicable after a full council shall have been appointed for any district, or for the entire Colony (as the case may be), the names of the members of such council shall be notified in the "Gazette" by the Minister.

(ii.) The names and addresses of every member of a council of conciliation shall be registered in the prescribed manner, and the register of such names and addresses shall be open to the inspection of any person during office hours, without payment of any fee.

Special councils of conciliation.

5.—(i.) The appointment for any district, or for the entire Colony, of a council of conciliation under the provisions hereinbefore contained, shall not prevent the appointment, from time to time, as occasion may require, of a council of four conciliators, two by each party to any dispute or claim, by or on behalf of any employer or the employees of any employer, for the purpose of dealing specially with any reference of such dispute or claim. And the members of any such council shall, for all purposes of this Act, except in respect of the duration of their office, be deemed to be and to possess all the powers and to be entitled to the remuneration of members of a council of conciliation appointed as hereinbefore provided.

(ii.) If in any case there be no council of conciliation

appointed by the Governor, pursuant to recommendation under this Act, or none available for the purpose of dealing with any dispute or claim within the meaning of this Act, and if either party to such dispute or claim so desires, the dispute or claim shall be referred to conciliators for settlement, and a council of four conciliators appointed by both parties, two members of such council being selected by each party, shall be a council of conciliation for all purposes of this Act as aforesaid: Provided that any appointments under this section shall not take effect until after the approval thereof by the Governor.

Remuneration of members of council of conciliation.

6. Every member of any such council of conciliation whilst engaged in the adjustment of any dispute, shall be remunerated for his services in a manner and according to a scale of payment to be fixed and provided for by Parliament.

Duration of office of member of council of conciliation.

7. The duration of the office of a member of a council of conciliation shall, except in the case of members appointed under section five of this Act, be two years, at the end of which term and of every successive term of two years, a fresh appointment of members shall be made by the Governor upon recommendation pursuant to section four of this Act. Any person who has held office as a member of such council shall, if duly recommended, be eligible for reappointment.

Extraordinary vacancies.

8. Any vacancy in such council arising through the death or resignation of any member thereof, shall be filled by the Governor upon recommendation made pursuant to the provisions of section four of this Act.

Certain disabilities.

9. If any member of such council shall be disabled from illness or other cause from attending to his duties as such member, the Governor, on the recommendation of the proper recommending authorities, may appoint a person to act in his place for the period of such disability. And such person shall, upon such appointment, be deemed for all purposes of this Act to be a member of such council during such period.

Council in certain cases.

10. If a council of conciliation shall be appointed for the entire Colony, the parties to any reference to a council of conciliation may each select two members of such council, so that the council to deal with such reference shall consist of four persons, or, at their discretion, may each appoint two persons, not being members of such first-mentioned council appointed pursuant to section four of this Act; and every such council so appointed shall have the powers and be entitled to the remuneration herein-before mentioned.

Procedure for Conciliation.

How disputes, &c. referred to council of conciliation.

11. Any dispute or claim within the meaning of this Act may be referred for settlement to a council of conciliation in manner following:—

(i.) The parties to such dispute or claim may jointly agree, in the prescribed manner, to refer such dispute or claim for settlement to a council of conciliation.

(ii.) Either party to such dispute or claim may, in the prescribed manner, lodge an application with the clerk of awards requesting that such dispute or claim be referred for settlement to a council of conciliation.

(iii.) Either party to a dispute or claim may, for the purposes of this Act, be represented by one or more persons (not exceeding three) authorised in writing by such party to represent him or them, and shall be bound by the acts of every such representative or representatives. And where the persons interested in any such dispute or claim, as a party, number more than 20, they may appoint or elect, in such manner as they may think proper, any one or more persons (not exceeding three) to represent them as aforesaid. And such person or persons may be designated the manager or managers of the case.

(iv.) The clerk of awards, on receipt of any such agreement or application for a reference to a council of conciliation, shall forthwith lay the same before the council mentioned in such agreement or application at a meeting of such council to be convened by him in the prescribed manner, and, subject to the provisions of this Act and the regulations, shall carry out all directions of the said council, in order to effect a settlement of the dispute or claim referred to it.

(v.) The clerk of awards shall transmit a report of the result of every such reference, certified under the hands of the members of the council of conciliation, together with all papers relating to the reference, to the President of the council of arbitration, which report and papers shall be filed of record by such President.

Council to report failure to bring about settlement, whereupon either party may proceed to arbitration.

12. If the council of conciliation shall, by writing signed by the members thereof, report to the clerk of awards that they have been unable to bring about any settlement or adjustment of any dispute or claim referred to them satisfactory to the parties thereto [and it shall be the duty of such council in every such case to make such report], the clerk of awards on the receipt of such report shall transmit a copy (certified by him) of such report to each party to the dispute or claim, whereupon either party may, in the prescribed manner, require the clerk of awards to refer the said dispute or claim to the council of arbitration for settlement by award. The clerk of awards shall thereupon transmit all the papers in the reference to the President of the council of arbitration in the prescribed manner.

The Council of Arbitration.

Establishment of council of arbitration.

13. There shall be one council of arbitration for the settlement by award of disputes and claims pursuant to this Act. Such council shall consist of three members, one to be appointed by the Governor on the recommendation of the recommending authority in the fourth section of this Act described representing the employees, and one to be appointed by him on the recommendation of the recommending authority in the said fourth section described representing the employers, and, in each case, in accordance with the regulations to be made in pursuance of this Act. The third member, who shall be the president of the council, shall be appointed in manner following, namely: The two members so appointed may, within twenty-one days after their appointment, submit to the minister the name of some impartial person for the position of president. And in case of failure so to do on the part of the said two members, then the Governor shall appoint as president an impartial person not personally connected with or interested in any trade or industry, or likely by reason of his former occupation, business, vocation, or other influence, to be biassed in favour of or against employers or employees. As soon as practicable after a full council shall have been appointed by the Governor, the names of the members of the council of arbitration so appointed shall be notified in the "Gazette" by the minister.

Remuneration of members of council of arbitration.

14. Every member of the council of arbitration shall be remunerated for his services in such manner and according to such rate of payment as the Governor shall appoint, but subject to parliamentary provision being made therefor.

Duration, tenure, and vacation of office of members of council of arbitration, &c.

15.—(i.) The term of office of a member of such council shall be two years, at the end of which term and of every successive term of two years a fresh appointment of members shall be made pursuant to this Act.

(ii.) Every member of such council shall be eligible, after the expiry or other termination of his term of office, for reappointment for a like term.

(iii.) If the president of such council shall be declared a bankrupt, or shall make a composition with his creditors, or make an assignment of his property or salary for the benefit of his creditors, he shall be deemed thereby to have vacated his office of president.

(iv.) The president shall hold office during ability and good behaviour, subject to the limitation of the term of office herein declared.

(v.) The president shall not engage during his term of office in any employment outside the duties of such office.

Vacancies, disabilities, &c.

16.—(i.) Any vacancy in such council arising through the death, resignation, or disqualification of any member thereof shall be filled by the Governor for the term of office or the residue of such term (as the case may be), in accordance with the respective methods prescribed by this Act.

(ii.) The Governor may appoint a person to be acting president of the council of arbitration in case the president of such council shall be unable to act as such from illness or other temporary disability. And such acting president shall, upon such appointment, have all the powers and perform all the duties conferred and imposed by this Act upon the president.

(iii.) If any member of such council other than the president shall, from illness or from any other disability

howsoever arising, be unable to perform the duties of his office in respect to any dispute or claim hereunder, the parties thereto may consent, in writing under their respective hands, to the appointment, by the Governor, of a member to act for and in the place of the member during such disability; and the Governor may appoint the person so nominated, who shall thereupon be deemed a member of such council for all purposes relating to such dispute or claim, and to the hearing and determination thereof.

Members of council of conciliation may sit as assessors to council of arbitration.

17. In any case where the council of conciliation has, upon a reference to it of any dispute or claim under this Act, been unable to bring about a settlement or adjustment of the same; and thereupon such dispute or claim has, pursuant to the provisions herein-before contained, been referred to the council of arbitration for its award, it shall be lawful for the members of such council of conciliation, subject to the consent in writing of both parties to the said dispute or claim having been first obtained, to sit as assessors upon such reference to the council of arbitration, two members of the council of conciliation on behalf of each such party: Provided always that no such assessor shall take any part in the hearing or determination of the reference other than as an assessor sitting to inform the council of arbitration when called upon to do so, and that no such member sitting as an assessor shall be entitled to more than half fees for so sitting.

References to arbitration, how made, &c.

18. Any dispute or claim within the meaning of this Act may be referred to the council of arbitration for its hearing and determination in any of the following ways:—

(i.) On application in the prescribed manner to the clerk of awards by either party to a dispute or claim which, having been referred to a council of conciliation, has not been settled or adjusted by such council.

(ii.) On application in like manner to the clerk of awards by both parties to a dispute or claim within the meaning of this Act which has not been so referred as aforesaid.

Provided that if the award of the council of arbitration shall not be complied with or carried out by the parties to any dispute or claim as aforesaid, or for any reason shall have proved abortive, the parties to the reference or either of them shall not thereby be precluded from referring the same to the council of conciliation, or from making a second reference to such council where a former reference has already been made to it.

Council of arbitration to sit in open court, &c.

19. The council of arbitration shall sit and conduct its proceedings as in open court, and in making its decisions shall be governed as far as practicable by the principles of equity and good conscience. The president shall, for the purpose of preserving order during any sitting of the council, have all the powers of a judge of a superior court of record: Provided that no party to any proceedings either before the council of conciliation or the council of arbitration shall be represented by counsel or attorney or by any paid agent other than one or more of the persons between whom the dispute or claim has arisen.

Award, how to be made.

20. The award of the council of arbitration shall be made by the president within one month after such council shall have completed its sittings for the hearing of any reference, and shall be by and under the hands of a majority of the members of the council, and the official seal of the council shall be attached thereto. Every such award shall be published in the "Gazette," and in one or more newspapers circulating in the industrial district within which the claim or dispute, the subject of such award, arose. A copy of the award, certified under the hand of the president of the said council, shall be deposited in the office of the said council and also of the Registrar of Trade Unions, and shall be open to inspection without charge during office hours.

When award may be enforced by legal process.

21. Either party to a reference to the council of arbitration may, at any time before award made by writing under the hands of such party in the prescribed manner, agree to be bound by the award of the council upon such reference in the same manner as parties are bound upon an award made pursuant to a reference to arbitration or the order of the Supreme Court or of any judge thereof. Every agreement so to be bound shall be laid before the other party to the reference by the clerk of awards, and if such other party also agree in like manner to be bound by the said award, then the said award may be made a rule of the Supreme Court on the application of either party.

General and Miscellaneous Provisions.

Enforcing attendance of witnesses.

22.—(i.) It shall be lawful for a council of conciliation, and such council is hereby authorised and required by its clerk of awards, or any member of such council, at the request in writing of any of the parties, and for the president of the council of arbitration, to summon any witness or witnesses to appear and give evidence on oath or affirmation as may be necessary before such council, respectively, at the time and place appointed for hearing and determining any dispute or claim under this Act (which time and place shall be specified in the summons); and if any person so summoned shall not appear before such council at the time and place specified in such summons, or give some reasonable excuse for the default, or, appearing according to such summons, shall not submit to be examined as a witness, and give evidence before such council touching the matter of such dispute or claim, provided reasonable travelling expenses have been tendered to such witness by the party at whose instance the summons is issued, then it shall be lawful for any justice of the peace, and he is hereby authorised (proof on oath, in the case of any person not appearing according to such summons, having been first made before such justice of the due service of such summons on every such person by delivering the same to him, or by leaving the same at the usual place of abode of such person), by warrant under the hands of any such justice, to commit any such person so making default in appearing, or appearing and refusing to give evidence, to some prison or place of detention for any time not exceeding two calendar months, or until such person shall submit himself to be examined and give his evidence before such council as aforesaid; provided always, that in case such dispute or claim shall be heard and determined before such offender shall submit to be examined and give evidence as aforesaid, then such offender may be imprisoned for the full term of such commitment.

Powers of entry for purpose of viewing.

(ii.) It shall be lawful for a council of conciliation, and for the council of arbitration, and for any member of any such council without any other warrant than this Act, at any time to enter upon any manufactory, building, workshop, factory, mine, mine workings, shed or premises of any kind whatsoever, wherein or in respect of which any work is being, or has been done, or commenced, or any matter or thing is taking or has taken place, which has been made the subject of a reference to such council; and to inspect and view any work, material, machinery, appliances, matter, or thing whatsoever being in such manufactory, building, workshop, factory, mine, mine workings, shed, or premises. And any person who shall hinder or obstruct any other person in the exercise of any power conferred on such last-mentioned person by this section, or who shall refuse to such person entrance during any such time as aforesaid to any such manufactory, building, workshop, factory, mine, mine workings, shed, or premises, shall for every such offence incur a penalty not exceeding five hundred pounds, to be recovered in a summary way before any stipendiary or police magistrate.

Claims and disputes explained.

23. A claim or dispute under this Act shall include any matter as to which there is a disagreement between any employer and his employees respecting—

(i.) The price to be paid for work done, or in course of being done, whether such disagreement shall have arisen with respect to wages as agreed upon, or the hours or times of working as agreed upon.

(ii.) Damage alleged to have been done to the work, delay in finishing the same, not finishing the same in a good and workmanlike manner, or according to agreement, or with respect to materials supplied to employees and alleged to be bad, or unfit, or unsuitable.

(iii.) The price to be paid for winning any material or substance mined, or obtained by mining, hewing, quarrying, or other process; the allowances, if any, to be made for bands, refuse, faults, or other causes whereby the mining of the mineral or substance is impeded.

(iv.) The performance or non-performance of any stipulation or matter alleged to have been embodied in any agreement whether in writing or not.

(v.) Insufficient or unwholesome food supplied to employees where there is an agreement to victual them, or to supply them with provisions or stores of any kind.

(vi.) Ill-ventilated, or dangerous workings, or places in mines, or unwholesome or insanitary rooms, or other places of accommodation, in which work is being performed, or want of necessary conveniences in connexion with such rooms or places.

(vii.) Any established custom, or usage of any industry, employment, or district.

(viii.) The dismissal or employment under agreement of any employees or number of employees.

Provisions as to parties and representatives.

24. No claim or dispute shall be the subject of conciliation or arbitration under this Act, in any case in which the employees affected by such claim or dispute shall be fewer in number than ten. And in every case referred to a council of arbitration, such council shall have power to require any party to the claim or dispute so referred to name not more than three persons, who upon their consent in writing, shall for all purposes of the reference be taken to represent such party.

Regulations.

25. The Governor may make regulations for the purpose of giving effect to any of the provisions or requirements of this Act. And all such regulations not being inconsistent with this Act shall have the full effect of law on publication in the "Gazette." Every such regulation shall be laid before Parliament within 14 days after it has been published in the "Gazette," if Parliament be then in session; but if not, or if Parliament be in recess, then such regulation shall be laid before it, within 14 days from the date of the first day of the ensuing session or reassembling of Parliament.

Expenses of Act, how defrayed.

26. All expenses connected with the administration of this Act not herein-before provided for, exclusive of the expenses of the parties and witnesses concerned in any dispute or matter referred either to a council of conciliation or the council of arbitration, shall be defrayed from such annual appropriations as Parliament shall make in that behalf.

Interpretation of terms.

27. In the construction and for the purposes of this Act, the expression "Governor" means Governor with the advice of the executive council; "Minister" means the responsible Minister charged with the administration of this Act; "prescribed" means prescribed by any Regulation made under this Act.

Short title.

28. This Act may be cited for all purposes as the "Trade Disputes Conciliation and Arbitration Act, 1892," and shall continue in force for four years from the commencement thereof and no longer.

SUPPLEMENT TO THE NEW SOUTH WALES GOVERNMENT GAZETTE, Friday, 24th June 1892.

Attorney General's Office, Sydney,
23rd June 1892.

The following regulations have been made by his Excellency the Governor, with the advice of the executive council:—

Regulations under the "Trade Disputes Conciliation and Arbitration Act, 1892," prescribing the procedure for the purposes of making out lists of organisations representing the interests of employés and employers respectively, and in order to give effect to the provisions and requirements of the said Act with reference to the appointment of a council of conciliation for the whole colony, and also of a council of Arbitration pursuant to the said Act.

1. It shall be the duty of the Registrar of Friendly Societies, as soon as practicable after the gazetting of these regulations, to prepare lists of all organisations registered in his office according to the law regulating the registration of trade unions or friendly societies, and representing the interests of employés. Such organisations shall be arranged under eight classes, as follows, viz., organisations whose members are employed on, or in connexion with—

I. Shipping.
II. Railway and road construction and general labour.
III. Mining and machinery in connexion with mines.
IV. Traffic on roads, railways and tramways.
V. Building, building materials, construction, and work in wood and iron.
VI. Food, drink, clothing, and work in leather.
VII. Printing and kindred occupations.
VIII. Miscellaneous trades and callings.

All organisations which have a registered office or offices within some one of the five districts hereinafter specified, viz.:—The Metropolitan District, the Northern District, the Southern District, the Western District, and the Broken Hill District, shall be arranged under and for the appropriate class and district.

It shall also be the duty of the said registrar at the same time to prepare lists of all organisations representing the interests of employers, and registered in his office according to the law regulating the registration of trade unions or friendly societies, and, if practicable, to arrange such organisations in like manner as in the case of organisations representing the interests of employees.

The lists so to be prepared shall give the last known registered office or address of each such organisation, and shall be published in the "Gazette."

2. Within 14 days after the publication of such lists in the "Gazette," some person authorised by the Minister (hereinafter termed the "authorised officer"), shall transmit by post to the address of each trade union and of each friendly society (if any) specified in such lists as aforesaid, a voting-paper for the purpose of recommending a member of the council of conciliation to represent the employees or employers (as the case may be) in and for the class of trades or callings therein specified, and such voting-paper may be in the form contained in Schedule A. or Schedule B. to these regulations, and shall be prepared so as to show on the face of it the particular class of organisations in respect of which, as well as the district within or in respect of which, the vote is to be recorded on such voting-paper. At the same time the authorised officer shall also transmit by post to the address of each trade union and of each friendly society (if any) specified in such lists as aforesaid, a voting-paper for the purpose of recommending a member of the council of arbitration to represent generally the employees or employers (as the case may be), and not in respect of any particular class of trades or callings, and such voting-paper may be in the form of Schedule C. to these regulations.

3. Every such voting-paper, purporting to be authenticated by the signature of the president or vice-president of the trade union or friendly society to which it has been transmitted, or in the absence of such president or vice-president by any office bearer of such union or society other than the secretary thereof, and also to be countersigned by the secretary or acting secretary thereof, or in the absence of such secretary or acting secretary by any two members of such union or society not being office-bearers, shall be conclusive evidence that the person whose name is entered in such voting-paper has been recommended as a member of the council of conciliation or of arbitration, as the case may be, pursuant to the said "Trade Disputes Conciliation and Arbitration Act, 1892," and to these regulations.

4. Every such voting-paper shall be forwarded by some person on behalf of the trade union or friendly society to which it has been sent, in its enclosing envelope, to the Registrar of Friendly Societies, Sydney, so as to be received by him on or before the 15th day of August, in the year 1892.

5. Every voting-paper received by the said registrar after the time limited for the receipt of voting-papers by the last preceding regulation shall have no effect or validity.

6. The registrar of friendly societies shall forthwith, on the receipt of such voting-papers, count the recommendations thereby recorded for members of the council of conciliation, and also for a member of the council of arbitration, and as well by or on behalf of the organisations representing the interests of employees as by or on behalf of those representing the interests of employers, and shall forward the same in separate batches to the Minister, together with his report thereon, and the Minister shall, upon being satisfied of the accuracy of such report, publish in the "Gazette" the results of such recommendations, and declare at the same time in like manner the names of the persons appointed by the Governor on the footing of such recommendations, to be members of the council of conciliation and members of the council of arbitration respectively.

7. The voting-papers shall in all cases be contained within the fold of a stamped envelope, addressed to the Registrar of Friendly Societies, Sydney, and endorsed, "Voting Paper under the Trade Disputes Conciliation and Arbitration Act, 1892."

SCHEDULE A.

VOTING-PAPER of organisation representing the interests of Employees, pursuant to the provisions of the "Trade Disputes Conciliation and Arbitration Act, 1892." 1892.

On behalf of the trade union [*or society as the case may be*], having a registered office at , and placed under Class District,

in the notice appearing in the "Government Gazette," of , 1892, the person named below is hereby recommended to be appointed a member of the council of conciliation to be established in pursuance of the said "Trade Disputes Conciliation and Arbitration Act, 1892."

President.*
Secretary.*

Name of Person recommended.	Address.

SCHEDULE B.

VOTING-PAPER of organisation representing the interests of employers pursuant to the provisions of the "Trade Disputes Conciliation and Arbitration Act, 1892." 1892.

On behalf of the trade union [*or society as the case may be*], having a registered office at , and placed in the District, in the notice appearing in the "Government Gazette" of 1892, the persons named below are hereby recommended to be appointed members of the council of conciliation to be established in pursuance of the said "Trade Disputes Conciliation and Arbitration Act, 1892."

President.*
Secretary.*

—	Name of Person recommended.	Address.
Class 1.—Shipping - - -		
„ 2.—Railway and road construction and general labour.		
„ 3.—Mining and machinery in connexion with mines.		
„ 4.—Traffic on roads, railways, and tramways.		
„ 5.—Building, building materials and construction, and work in wood and iron.		
„ 6.—Food, drink, clothing, and work in leather.		
„ 7.—Printing and kindred occupations.		
„ 8.—Miscellaneous - -		

SCHEDULE C.

VOTING-PAPER of organisation representing the interests of employees (or employers) pursuant to the provisions of the "Trade Disputes Conciliation and Arbitration Act, 1892." 1892.

On behalf of the trade union [*or society as the case may be*], having a registered office at , the person named below is hereby recommended to be appointed a member of the council of arbitration to be established in pursuance of the said "Trade Disputes Conciliation and Arbitration, Act, 1892."

President.*
Secretary.*

Name of Person recommended.	Address.

By His Excellency's Command,
EDMUND BARTON.

* In the absence of the President or Secretary the authentication may be as provided by regulation 3.

2. CONCILIATION, VICTORIA.

THE VICTORIAN SYSTEM, 1887.

ABRIDGED from an article entitled "Strikes and their Cure," by the Hon. Bruce Smith M.L.A., published in the "Centennial Magazine," October, 1888, and reprinted in pamphlet form by the New South Wales Employers' Union.

In Victoria there are about 70 different Trade Unions, and for each trade each of these Unions has its separate funds, its separate office-bearers, and its separate rules. Each of these Unions, again, is represented on the Trades Hall Council, which consists of about 70 or 100 members. The Trades Hall Council is directly representative of every Unionist in the colony of Victoria, numbering about 25,000 to 30,000 men [illegible] Council holds its meetings [illegible] building in the city of Melbourne [illegible] or 12,000*l*. This building contains [illegible] rooms, offices and an extensive [illegible] Parliament [illegible] delegates, a visitors' gallery, [illegible] with the usual "table" dividing the workers from the [illegible] weekly the delegates of the various Unions, and in the course of its debates many interests are discussed from the Trades Unionists' point of view.

On the other hand, there exists the Employers' Union, having the names of 500 or more firms and limited companies upon its register, and having upon its executive the elected delegates from 75 distinct industries. The capital represented in the Employers' Union of Victoria has lately been estimated at twenty-seven millions of money. The Union has its handsome suite of rooms, its library, its club, its Indemnity Insurance Company (for mutually securing employers against the monetary consequences of actions brought by their employees), and, like the Trades Hall Council, its traditions, somewhat modern though they be.

When the latter body had been in existence about a year, a meeting was arranged between a number of its executive and an equal number of the members of the Trades Hall Council, with the result that a Board of Conciliation was established, which the Secretary thereof somewhat enthusiastically and inaccurately describes as "the first, and up to the present time the only Board of Conciliation in the world." Three months were occupied in frequent meetings for the purpose of drawing up a comprehensive constitution. It was provided that when a matter came before the Board the inquiry should extend to the whole of the surrounding circumstances, and that it should be in the power of the Board to not only pronounce the new demand as unreasonable, but to even go back on the previously existing conditions, and alter them to what the Board thought "fair and reasonable" under all the circumstances of the labour market. This provision was designed in order to check frivolous and unnecessarily frequent demands. It was further provided that all the different bodies subscribing to that constitution, and all the different individuals represented in those bodies (whose office-bearers have so subscribed on behalf of such bodies), bind themselves to abide, to use all legitimate influence to induce their fellows to abide, and to refuse directly or indirectly to offer any assistance to any of their fellows who refuse to abide, by the decision of such Board. Such a constitution would be subscribed by the President of every one of the different Unions represented on the Trades Hall Council; and it would also be subscribed by every one of the Presidents of different Associations represented in the Employers' Union. If the Trade Union or the Employers' Association in any particular industry declined to subscribe, the scheme would nevertheless be effectual so far as those who had subscribed were concerned. The other clauses of the constitution are similar to those described below in connexion with the scheme drawn up by the Joint Committee of the New South Wales Employers' Union and Trades and Labour Council of Sydney, which is practically identical with the Victorian scheme.

CONSTITUTION of the BOARD OF CONCILIATION for the COLONY OF VICTORIA.

Formed for the Purpose of Mediating in Matters of Dispute between Employers and Employés.

1. The name of the board shall be the Board of Conciliation for the Colony of Victoria.

2. The objects of the said board shall be to investigate such disputes between employers and employés as are duly and properly referred to it under the provisions of this constitution, and in accordance with the several rules hereto attached; and to recommend such terms of

adjustment as may seem to and be declared by it to be fair and reasonable.

3. The said board shall consist of not more than eighteen (18) and not less than ten (10) permanent members, half of whom shall be appointed by the Trades' Hall Council and half by the executive of the Victorian Employers' Union, and, when deemed necessary by such permanent members, such additional one (1) or three (3) members, as the said permanent members shall think fit to elect from without the before-mentioned bodies.

4. Every member of the said board, appointed by either the Trades' Hall Council or the executive of the Victorian Employers' Union, shall, at the time of such appointment, be a member of either one of those two bodies.

5. Every member of the said board, appointed by either of the two hereinbefore-mentioned bodies, shall, unless removed as hereinafter provided, be and remain a member of the said board during the whole period for which he shall have been appointed by either of the said bodies; but in no case shall any such member be appointed at any one time for a longer period than twelve (12) months, and he shall be subject to removal at any time, by the resolution of the particular body by which he was originally appointed.

6. Every member of the said board elected by the before-mentioned permanent members, as provided by clause 3, shall be and remain a member of the board, for such time only as he shall have been elected; but in no case shall any such member be elected for a longer period than remains of the term of office of the latest appointed of the permanent members. Provided also, that any such outside member shall be subject to removal at any time by resolution, carried by a majority of the permanent members of the board present.

7. In every case in which a vacancy shall occur among the permanent members of the said board, such vacancy shall be filled by appointment from the particular body by which the member whose seat has become so vacant had been filled.

8. A quorum of the said board shall consist of not less than six (6) members, including at least three (3) permanent members appointed by each of the above-mentioned bodies. Provided that in the event of a larger number of those members appointed by the Victorian Employers' Union being present than of those appointed by the Trades' Hall Council or *vice versâ*, arrangements shall be made before the board proceeds to the conduct of its business, by which the number in excess on the one side or on the other shall, while possessing all the privileges of discussion, abstain from voting upon any question which may be decided while such inequality exists.

9. All members of the said board shall be eligible for re-election.

10. A vacancy shall occur in the said board by the happening of either of the following events, viz.:—Death, resignation, absence (without such reasons as are in the opinion of the board satisfactory) from three (3) consecutive sittings; or removal under clauses 5 and 6.

11. Every member of the said board, who, in the opinion of the majority of the remaining voting members present at any sitting of the board, shall be interested in any question upon which the board are about to adjudicate, shall upon the passing of a resolution to that effect, be disqualified from taking any part in such adjudication.

12. A chairman of such board shall be appointed from among the members present at the time of any such appointment, and shall, when present, continue to act as such chairman until the adjudication of the question under consideration has been finally disposed of by such board; and such chairman shall have one vote only, but no casting vote. Provided always that in the event of any such chairman appointed at a previous meeting, being absent, the board shall have the power to appoint a substitute either for one sitting or only for the remainder of the time during which the subject under adjudication shall be continued.

13. The rights and powers of the said board to adjudicate shall be limited to such definite issues as require settlement between two or more parties, being constituents of the Trades' Hall Council and of the Victorian Employers' Union executive respectively, or of some affiliated body having duly subscribed to this constitution and the rules and regulations affixed thereto, but no question shall be referred to the said board which may involve any proposal to increase the hours of labour beyond those which may be observed by the parties when this reference was made.

14. The said board shall be moved to action only at the joint request of two or more parties entitled to the assistance of such board, between whom some disputed question has arisen, and has failed to reach a settlement through the respective secretaries of the Trades' Hall Council and Victorian Employers' Union; and through the further intervention of the committee of inquiry provided by clause 21. Provided that such joint request shall be in writing, addressed to the secretary of the said board, and endorsed by the secretaries of the Trades' Hall Council and Victorian Employers' Union on behalf of, and with the consent of their respective bodies.

15. The said board shall conduct its deliberations at such place as its members when called together may from time to time deem most advantageous to all parties concerned.

16. The said board shall from time to time, as it may think fit, appoint, suspend, or remove one or more secretaries or amanuenses for the convenience of the board, and such secretary or secretaries or amanuenses shall, if necessary, be remunerated by the Trades' Hall Council and the Victorian Employers' Union jointly.

17. The said board shall have power to examine, on oath or affirmation, all such persons as shall be presented as witnesses for the purpose of throwing light on any questions which it may be engaged in adjudicating upon, or on any matters which, in the opinion of the board, are calculated to elucidate such question.

18. All questions which shall from time to time come before the said board for adjudication or determination of whatsoever kind, shall be decided by the majority of the members present (subject to clauses 8 and 12), and when any question shall have been so settled, such settlement shall be accepted and recognised by all members of the board as the unanimous determination or finding thereof.

19. In each and every case in which it is deemed advisable or necessary by the board to test the feeling of its members by voting, such voting shall be conducted by ballot.

20. The constitution and rules of the said board may from time to time be altered by resolution of the board carried for that purpose, approved and confirmed by the Trades' Hall Council and the Victorian Employers' Union Executive respectively.

21. The said board shall appoint from among its permanent members every six (6) months a committee of inquiry, consisting of four (4) members, two (2) from the Trades' Hall Council and (2) from the Victorian Employers' Union Executive, two (2) to form a quorum (including one of the members appointed from each body aforesaid); and the duties of such committee shall consist in investigating (without formally taking evidence) and endeavouring to effect a settlement of any dispute which may be referred to it, under the provisions of clause 13. Such committee shall be empowered to take whatever steps for the above purposes it shall deem advisable.

22. All expenses incurred by the said board (excepting such as are for the benefit of any particular person or persons, or subordinate body or bodies) shall in the first place be born by the Trades' Hall Council and the Victorian Employers' Union in equal proportions.

23. So soon as the members of the said board shall have been duly appointed, it shall be their duty to consider themselves as representing no particular side in any dispute upon the adjudication of which they may be engaged; but to regard themselves as arbitrators appointed to consider every interest concerned, and to act in the joint interest of all; and it shall further be the duty of every such member to divest himself as much as possible of any disposition or feelings which may lead him to regard one side more favourably than another.

Rules and Regulations.

Incidental to and forming part of the Constitution of the Board of Conciliation.

The following rules and regulations shall be strictly observed by all bodies or organisations, and by all persons being constituted members of, or coming under the jurisdiction of any such bodies or organisations as have, through their duly appointed representative or representatives, subscribed hereto:—

1. No alteration shall hereafter be demanded by either employers or employés, in the hours of work, the rate of wages, or system or conditions of working,

except after two months' notice in writing, by the person or persons desiring such alteration to the person or persons with whom such alteration is desired to be effected.

2. No strike or lock-out shall, under any circumstances whatever, be threatened or resorted to until all the following steps have been taken to procure a settlement of the question or questions at issue between the employer or employers and the employé or employés:—

First—The matter or matters in dispute have been referred to the secretaries of the Trades' Hall Council and the Victorian Employers' Union respectively, and they have failed to secure a settlement.

Second—The matter or matters in dispute have been referred to the committee of inquiry appointed for such a purpose under clause 21, and it has failed to secure a settlement.

Third—The matter or matters in dispute have been referred to the board of conciliation, and the decision of such board has been refused recognition and observance. Provided that such non-recognition or non-observance must in all cases be certified to in writing by the committee of inquiry before being deemed sufficient to justify such strike or lock-out.

Provided that the restriction upon strikes and locks-out imposed by this rule shall not be considered binding in any case in which one of two or more parties to any dispute refuses or neglects to refer the subject matter in dispute to the board, after having been requested so to do by the secretaries of the Victorian Employers' Union and the Trades' Hall Council, and such refusal or neglect has been certified to by the committee of inquiry.

3. In the event of a strike or lock-out being resorted to by any of the bodies or organisations having subscribed hereto, or by any person or persons members thereof, without the three events recorded under the last clause having taken place, every other body or organisation having subscribed hereto, and every member thereof, shall be in duty bound to refuse to any such body or organisation, or such member or members of the same, all sympathy or support of any kind whatsoever in its or their independent action.

4. In the event of any body or organisation having subscribed hereto, or any member or members thereof, having refused or neglected to submit to the board any matter or matters of dispute which may have arisen between him or them and any other party or parties hereto, and which that other party or those other parties desire to have so referred, then the whole of the remaining bodies or organisations, and the whole of the members thereof, shall, upon such refusal or neglect having been certified to by the committee of inquiry, forthwith refuse to such body or organisation, or member or members thereof, all sympathy or support of any kind whatsoever, and further use, individually and collectively, every lawful means in their power to assist the party or parties having desired such reference.

5. In the event of any body or organisation having subscribed hereto, or any member or members thereof, refusing or failing to abide by or act in accordance with the decision of the said board, the whole of the remaining bodies or organisations having subscribed hereto, and the whole of the members thereof, shall, upon the publication of the certificate of the committee of inquiry to that effect, forthwith refuse to any such body or organisation, or member or members thereof, all sympathy or support of any kind whatsoever in his or their independent action, and further use, individually and collectively, every lawful means in their power to cause such body or organisation or members thereof to conform to such decision.

6. Each of the bodies subscribing to this constitution shall use every endeavour to assist in adjudications by bringing before the board such evidence as the board may desire, and which may be obtainable.

VICTORIAN LEGISLATIVE ASSEMBLY.

Read 1° 25 June 1890.

[Brought in by Mr. Richardson and Mr. Kirton.]

A Bill to establish Councils of Conciliation.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled, and by the authority of the same, as follows (that is to say):—

Short title and commencement.

1. This Act may for all purposes be cited as the "Councils of Conciliation Act, 1890," and shall commence and come into operation on the first day of one thousand eight hundred and

Interpretation.

2. For the purposes of this Act—

The word "district" shall be taken to mean in the case of the city of Melbourne the area comprised in a circle the radius of which as taken from the General Post Office shall be of the length of ten miles, and in all other cases a circle the radius of which as taken from the municipal buildings of the town at which the council is proposed to meet shall be of the length of twenty miles;

The word "Clerk" shall mean Clerk of a Council of Conciliation;

The word "Council" shall mean Council of Conciliation.

Power to Governor in Council to license Councils of Conciliation. 30 & 31 Vict. c. 105. s. 1.

3. If any number of employers and workmen in any particular trade or trades, occupation, or employment, and who being employers in such trades have carried on the same in any district for six months previous to the signing of such petition, or who being workmen are now working at their trade or calling within such district have worked at their trade or calling for five years previous to the signing of such petition at a meeting specially convened for that purpose agree to form a Council of Conciliation for such district, and jointly petition the Governor in Council to grant them a licence to form such Council of Conciliation, and in such petition shall set forth the number of such Council, and also the names, occupation, and residence of the petitioners, and the place at which the Council proposes to meet, and the manner in which the expenses of such Council and of the registry herein-after directed are to be provided, for it shall then be lawful for the Governor in Council to grant such licence, provided notice of such petition for such licence has been published in the "Government Gazette," and in one or more newspapers circulating in the locality whence such petition emanates.

Councils to consist of not less than two nor more than ten employers and workmen and a Chairman.

4. The said Council shall consist of not less than two employers and two workmen, nor more than ten employers and ten workmen and a Chairman; and the number to constitute the said Council shall be inserted in the licence and no uncertificated insolvent or person convicted of felony, perjury, or other infamous crime shall be qualified to be or to continue to be a member of the Council.

Petitioners for Council to elect first Council. *Ib.* s. 3.

5. For the purposes of this Act the persons whose names, occupations, and abodes are attached to the petition praying for a licence shall and they are hereby authorised to proceed to the appointment of a Council from among themselves within thirty days after such grant of licence, and the said Council shall remain in office until the appointment of a new Council in its stead.

Powers, &c. of Councils.

6. Every Council shall have power to appoint their own Chairman, Clerk, and such other officer or officers as they may deem requisite.

Chairman.

7. The Chairman of the Council shall be some person unconnected with the particular trade of the Council of which he is appointed Chairman, and shall be appointed Chairman at their first meeting after obtaining such licence as aforesaid. He shall preside at all meetings of the Council, may take part in all deliberations of the Council, but shall have no vote.

Duties of Council.

8. When any matter in dispute or difference between employer and workmen is brought before any Council it shall be in the first place referred to a Committee of Conciliation, consisting of one employer and one workman member of such council, who shall from time to time be appointed by the Council to act as such Committee, and such Committee shall endeavour to reconcile the parties in difference.

Committee of Conciliation.

If Committee unable to reconcile reference to Council.

9. If such Committee be unable to effect such reconciliation they shall refer the same to the Council as a contested matter.

To be heard by the Council.

10. Such contested matter shall be heard by the Council of Conciliation at a meeting at which a quorum is present.

Quorum of Council.

11. Such quorum shall consist of at least half the members of the Council and the Chairman, and shall comprise equal numbers of employers and workmen members of the Council.

Duties of Council in contested matter.

12. At the hearing of such contested matter, evidence on both sides may be given on oath or affirmation (such oath or affirmation to be administered by the Chairman) in the presence of all parties or such of the parties as may appear to the Council sufficiently to represent all the parties interested, or without oath or affirmation as to such Council may seem fit, and books and papers may be called for, and every means used to show to the parties in difference what ought to be done in the matter in dispute, and such Council

may make any written suggestion and recommendation in the matter they may deem advisable.

When Council may refer to arbitration.

13. If, notwithstanding such endeavour by the Council, the parties in difference are still unreconciled, and such Council shall, at any subsequent meeting to be called specially for that purpose, determine by a vote of three-fourths of the members present that such contested matter is a matter proper for arbitration such Council may by any instrument in writing signed by the Chairman refer the matter in dispute to the arbitration and award of some indifferent person appointed by the Council at that or any subsequent meeting of the Council.

Powers of Arbitrator.

14. Such Arbitrator shall have all the powers given to an Arbitrator appointed under the provisions of the "Supreme Court Act, 1890," as if such Arbitrator had been appointed by or in pursuance of a rule of Court or Judge's order.

Award.

15. The Arbitrator shall deliver his award by forwarding the same to the Clerk of the Council, who shall lay the same before the Council of Conciliation at their next meeting, but if there is no meeting to be held within seven days after receipt of the award by the Clerk he shall call a special meeting of the Council to be held not more than seven days from the date of such receipt.

To be conclusive.

16. The Council shall, on receipt by them of the award, inform the person or persons interested therein or so many of them as may reasonably be considered by them to represent all the parties interested of the purport and effect of such award, and any such person or persons may take extracts from or a copy thereof, and such award shall, from the time of the receipt thereof by the Clerk, be final and conclusive upon all the parties in difference and affected thereby without being subject to review or challenge by any Court or authority whatsoever.

Wilful refusal to obey award a misdemeanour.

17. Any person in difference with another whose difference has been referred to arbitration as above provided who shall wilfully disregard such award or who shall wilfully refuse to obey or who shall disobey any order or requirement contained in such award shall be guilty of a misdemeanour and may be punished therefor by any competent Court by fine or imprisonment.

No counsel, &c., to attend hearings without consent. 30 & 31 Vict. c. 105. s. 7.

18. No counsel, attorneys, or agents shall be allowed to attend at any hearing before a Committee of Conciliation nor before a Council of Conciliation unless both parties consent thereto.

Council to be elected for one year. *Ib.* s. 8.

19. On the first Monday in the month of November next after the first appointment of the Council and on the first Monday in November in each succeeding year a Council and Chairman shall be appointed, who shall remain in office until the appointment of a new Council and Chairman; and in case of vacancies arising betwixt the fixed days of election in each year caused by the death, removal from the district, or disqualification of any member or the death or disqualification of the Chairman, an election shall take place within fourteen days, and another member shall be elected to fill up the said vacancy from the class to which the member so dying or removed belonged, and a new Chairman may be appointed; and the member or Chairman so elected shall serve until the time appointed for the appointment of a new Council and Chairman.

Case of vacancy, &c.

Qualification of electors.

20. All persons qualified as above mentioned to sign a petition for a Council of Conciliation shall be entitled to be registered as voters for the election of such Council, and shall be qualified to be elected as members of such Council, but the employers shall appoint their own portion of the Council and the workmen elect their portion of such Council.

Register of voters to be kept. *Ib.* s. 10.

21. The Clerk of each Council shall keep a register of every person recognised by any body of workmen connected with the trade or trades and claiming to have his name inscribed on the register as a voter for the Council whether employer or workman (but distinct from each other), and the said register shall contain the name, occupation, and abode of each person engaged in the particular trade or occupation as set forth in the licence permitting the formation of such Council; and the said Clerk shall register the same immediately or be liable to be fined for neglect, and the said fine shall be applied to the funds of such Council; and every such Council is hereby empowered to fix and determine the amount of such fine: Provided that in case it appear to any such Council that any person ought not to be so registered such Council shall strike the name of such person off such register.

Meetings of employers and workmen to elect the Council. *Ib.* s. 11.

22. The Clerk of each Council shall for the purposes of this Act be the Returning Officer at elections of members of each such Council; he shall convene meetings of employers and meetings of workmen by advertisement fourteen clear days previous to the first day of November and each body of employers and body of workmen shall at such meetings proceed to nominate and elect members to such Council for the year next ensuing.

In case a poll is demanded Council to appoint time and place. 30 & 31 Vict. c. 105. s. 12.

23. If the number of candidates exceed the number to be elected an election shall be held not later than fourteen days from the day of nomination according to regulations to be passed by the Governor in Council, and such election shall be by ballot.

Election to be declared within seven days of nomination. *Ib.* s. 13.

24. The clerk shall within seven days after the day of nomination where there has been no contest and within three days where a poll has been taken declare the number of votes given to each candidate, and those having received the largest number of votes shall be declared duly elected.

Appointment of Clerk. *Ib.* s. 14.

25. The clerk appointed by each Council of Conciliation shall continue in office until a new appointment be made in his stead, and shall keep a record of all their proceedings and do and perform such other duties as this Act may authorise or such Council may require.

Place of meeting. *Ib.* s. 15.

26. Every such Council may hold their sittings in any public room used for conducting public business with the permission of the Minister.

27. For the purpose of attendance of witnesses before a Council the Chairman may use any of the forms of summonses, warrants, or other proceedings contained in the Second Schedule to the "Justices Act, 1890," or to the like effect, and when signed by the Chairman the same shall have a like force and effect and be enforceable in the like manner as if they had been signed by a Justice of the Peace acting within the bailiwick for which he was appointed to act in a matter in which he had jurisdiction.

To make list of fees by-laws, &c. *Ib.* s. 17.

28. Every Council of Conciliation elected under this Act shall from time to time make out a list of fees which shall be charged for any proceeding and other expenses under this Act, and shall make such byelaws, rules, and regulations for the guidance of their officers, and for the taking and scrutiny of the votes given for the election of members of the Council, and also for the despatch of business as they may deem necessary. Such byelaws, rules, regulations, and fees shall not be deemed legal and binding in law unless and until they have been submitted to and approved by the Governor in Council.

Power of Governor in Council.

29. The Governor in Council may at any time enlarge or contract the area over which a Council may extend, but no such enlargement or contraction shall take place except upon a petition of a majority of the employers and workmen engaged in the trade of the Council to be affected thereby.

Conciliation Scheme by the Chief Secretary.

(From the "Argus" of November 29th, 1890.)

The late Mr. Langridge, Chief Secretary,(1) informed his constituents at Collingwood recently, that he intended to give close attention to the subject of the settlement of labour disputes, with a view to, if possible, devising means to prevent strikes and lock-outs. He has since formulated his views, which are as follows:—

While it is agreed on all sides that the necessities of modern times require that some means should be devised, and that speedily, in order to afford a *modus vivendi* between the opposing interests of labour and capital, the struggles between which are increasing in extent, duration, and intensity every day, yet the difficulty of securing a means to that end is not less apparent. The whole question seems to bristle with obstacles to a settlement. On the one side the position of employers is unassailable. This is a free country, and it would be neither politic nor feasible for any third party to be in such a position to say to them, "You *shall* employ certain persons, and those "only; and you *shall* give them certain wages, and for "certain times." Should the employers refuse to continue to expend and invest their capital under these conditions, there can be no power to compel them to do so. Under such circumstances trade would stagnate, and the general prosperity of the country would decline rapidly and ruinously. On the other side, the position of the employees is equally strong and logically defensible. No man can be compelled to work when he does not wish to do so, and he is free to choose his own employer and his own terms. In his case, also, no third party can interfere by way of compulsion. Yet the result of a general abstention from work by the labourer is equally disastrous to the country. It seems, therefore, certainly at present, useless to hope for the discovery of a perfectly satisfactory and equitable method of settling disputes between the two forces, and therefore the best and, indeed, the only policy available at the present stage is to devise the best means of approaching as near as possible the desired end. The main difficulty is to give the body which it is sought to establish such a *locus standi* or such a defined position as will endow

its decisions with such weight as will cause them to be submitted to by the parties interested, and this can only be done by indirect means. Now, the world is ruled at the present day by public opinion. And in these days no law, no body of men, no rule, no practice or custom, and no person can stand against its full force. And public opinion in the long run, though it may be temporarily led away, inevitably swings round to the side of that which is just and right. If then, we could by any legislative action give to a body of men standing high in the public confidence some legal basis upon which they could work, and which would give them the right to interfere in the case of differences, we should have taken a considerable step in advance towards the settlement of this pressing question. The decisions of such a body would necessarily commend themselves to the community, and would carry with them the whole weight of public opinion, and in this way at least would operate as a means of settlement.

The result of all attempts in the past to establish a tribunal for the purpose of settling labour troubles has not been satisfactory. The difficulty of enforcing the decisions of a body to which neither party is bound to submit will always occur when that body has no legal position. Then, again, the position of a body that is in existence *before* a dispute springs up and one which is appointed to meet some particular exigency *after* a quarrel has arisen, must be sharply distinguished.

The interference of the latter has seldom resulted in good. When men's minds are heated by dispute they are not in a mood to listen to argument or make concessions. Conciliation Boards and such-like bodies, as they exist at the present day, are not of much use.

It is believed that the permanent chamber proposed in the following scheme will possess many advantages over such bodies. In proposing any scheme it should be borne in mind that it is very easy to find objections. The proper course, however, for critics in such a case as this, where the necessity for action is so pressing, is, not to find objections, but to propose something better. If such can be found, well and good, but till that is discovered the wisest course would seem to be to adopt the best scheme available. The following is a rough draft of the scheme proposed :—

Industrial Labour Chamber.

A body, to be called "The Industrial Labour Chamber of Victoria," to be established by Act of Parliament, with the following powers :—

1. To investigate the existing conditions of labour in the various trades, and to ascertain and set out the rates of wages, hours, privileges, and conditions, &c., as settled at present between employers and employees.
2. To set out such wages, hours, conditions, &c., in a form of contract, which form can be used at the option of the parties, and embodied in any agreement which may be entered into between the respective parties.
3. In all cases where the form of contract as settled by the Chamber has been adopted by the respective parties to have power, on the application of one of the parties, to investigate and adjudicate on any dispute between them which may arise, and to award costs against either party should it seem just to the Chamber to do so.
4. To have power to compel the attendance of witnesses, to examine them on oath, and to require the production of all books, papers, or other evidence that it may think necessary, and to enter any premises for the purpose of inspecting the same.
5. To report to Parliament on all industrial questions which may be referred to it by the Legislature.
6. To make an annual report to Parliament, drawing attention to any question of importance which has come under their notice during the past year.

The Act constituting the body to provide,—

(*a.*) That in every case where an agreement is entered into between employers and employees, the rates, conditions, &c., as fixed by the Chamber, shall be deemed to be embodied in such agreement, unless expressly stated to the contrary.

(*b.*) That when once the Chamber's form of contract has been accepted by the respective parties, no cessation of work, nor any alteration in such rates, conditions, &c., shall take place at the instance of either employer or employees without the consent and approval of the Chamber.

(*c.*) That any contract or agreement made in any form sanctioned by the Chamber shall be enforced in any Court of law.

(*d.*) That in any contract entered into between any employer and employee, unless otherwise expressly stated to the contrary, the hours of labour shall be understood as eight hours per diem, provided that this section shall not apply to contracts of persons in farm, domestic, or sea service, nor to contracts by the year or month.

Constitution.

The Chamber to consist of a president and 12 members, six to be chosen by the Employers' Unions, and six by the Trade Unions. The twelve so elected to choose the President, who shall be one of the Judges of the Supreme Court or a County Court Judge. Should the members not agree in their selection of a President, the Governor in Council to nominate.

How and by whom elected.

The mode of election shall be as follows :—The Minister administering the Act shall cause to be kept a register, in which shall be inscribed the name, &c., of every union, association, &c., whether of workmen or employers, who may desire to be enrolled on proof to his satisfaction of its *bona fides* and of its containing one hundred members in active connexion therewith. Each of such unions shall elect a delegate, and the delegates of each class separately shall choose by ballot the six members of the Chamber. There must be an absolute majority of the delegates at the first ballot, but a relative majority in the second or subsequent one.

Procedure.

The Chamber, subject to the approval of the Governor in Council, to make rules for its procedure, and for the admission of the Press and the public to its deliberations.

Payment.

The president being a Judge would not require payment, but the elected members to be paid such fees as might be appropriated for the purpose.

Officers.

On the nomination of the Chamber, the Governor-in-Council to appoint the necessary officers and servants.

Length of Tenure.

Two members of each side to retire each year, two of the first members on each side to sit for one year only, two for two years, and two for three years. The president to sit for five years.

The first essential condition of success is that the new body must have a legal existence, so that in the same way it should be entitled to intervene between the two parties. It is contended that the power to fix a form of contract which shall be enforceable in a Court of law will enable it to do this, in addition to the powers provided in (a), (b), (c), and (d). Provision (b) is one of the most important in the scheme, as it will prevent any hasty strike or lock-out.

The fact of the employers nominating their own men, and the employees theirs, will cause the new Chamber to be popular with both parties.

The object of causing the members to retire at irregular intervals is to prevent the election of all the members taking place in the midst of some industrial difficulty like the late one. It is considered that one of the most valuable provisions of the above is that which places the election in the hands of the individual unions, and not in that of a central body. The latter is elected for other purposes, while in the case of the elections of the members of the Chamber the delegates to be chosen for the purpose of nominating their members will be selected for the particular purpose, and for that only.

The utility of provision 5, it is hoped, will be apparent. In such a position of affairs as that which recently occurred, when the mind of Parliament and of the public was unsettled in regard to the merits of the points at issue between the respective parties, it would have been of immense advantage to have had such a tribunal as that which it is proposed to establish to which to refer for a conclusive and impartial statement of the actual facts at issue.

In such a Chamber Parliament would have at all times ready to its hand an instrument by means of which it could arrive at a just appreciation of the facts, and such a statement of facts from such a body could admit of no dispute.

The above, of course, is only a mere sketch, but the details could be easily elaborated.

The advantages of the scheme may be briefly summarised as follows:—The Chamber will have a legal existence; it will have all the authority and weight of a tribunal created by Parliament.

If composed of the right men, its decisions will carry with them the whole weight of public opinion. If it does, the conflicting parties must give way to it sooner or later.

As soon as it gets established, its authority and influence will continue to increase, from the mere lapse of time and the force of custom.

It may, perhaps, be admitted that the above scheme has many objections, but the reply to such an assertion would be comparatively easy; the objections could be answered by requesting the objectors to find a better one.

It is, at all events, comparatively simple in its constitution and machinery. Failing a perfect scheme, the above, or something analogous thereto, should be tried.

Once we can get the disputants to respect the tribunal, and to submit their differences to it, the practice would grow until it became universal, and such a submission would become recognised as the only appropriate and satisfactory method of dealing with industrial difficulties.

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3. Conciliation, South Australia.

House of Assembly, South Australia.

[As laid upon the Table, read a first time, and ordered to be printed, December 12th, 1890.]

[Prepared by Hon. C. C. Kingston.]

1890.

A Bill for an Act to encourage the formation of Industrial Unions and Associations, and to facilitate the settlement of Industrial Disputes.

Preamble. Whereas it is desirable to encourage the formation of Industrial Unions and Associations, and to facilitate the settlement of industrial disputes—Be it enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows, that is to say:—

Short title. 1. This Act may be cited for all purposes as the "Industrial Unions Act, 1890."

Commencement. 2. This Act shall come into force on the first day of July, 1891.

Interpretation. 3. In the construction of this Act the following words shall have the following meanings, that is to say:—

"Industry" means any avocation, business, trade, undertaking, calling, or employment:

"Industrial matters" includes all matters relating to pay, wages, hours, privileges, rights, or duties of employers or employees in any industry:

"Industrial agreement" means an industrial agreement made pursuant to this Act:

"Industrial award" means an industrial award made by a Board of Conciliation pursuant to this Act:

"Minister" means the Minister of Industry:

"Registrar" means the Industrial Registrar:

"Union" means an Industrial Union registered pursuant to this Act:

"Committee" means the Committee of any Union:

"Secretary" means Secretary of a Union:

"Association" means any Association of Unions registered pursuant to this Act:

"Chairman" means Chairman of an Association:

"Council" means the Council of any Association:

"Organisation" means any Union or Association:

"Prescribed" means prescribed by regulation made pursuant to this Act:

"Certified" means certified in manner prescribed:

"Public notice" means notice by advertisement published in the "Government Gazette":

"Person" includes every person, Company, and corporate body:

"Conciliation purposes" means the holding of meetings for the purpose or in the course of the settlement of industrial disputes, and whether of the disputing parties or their delegates or representatives, or Boards of Conciliation, committees, or otherwise.

Parts. 4. This Act is divided into ten parts, as follows:—

Part I. The Minister and Registrar:
Part II. Conciliation Hall:
Part III. Registration of Unions:
Part IV. Registration of Associations:
Part V. Industrial Agreements
Part VI. Boards of Conciliation
Part VII. Compulsory Conciliation:
Part VIII. Enforcement of Industrial Awards and Agreements:
Part IX. Penalties on certain Lock-outs and Strikes:
Part X. Miscellaneous.

Part I.

Part I.

The Minister and Registrar.

Minister of Industry. 5. The Governor shall appoint some Member of the Executive Council to be a Minister of Industry.

Vacation of office. 6. The Minister shall vacate his office whenever he shall cease to be a member of the Executive Council.

Industrial Registrar. 7. The Governor shall also appoint an Industrial Registrar and such other officers as shall be required to carry out the purposes of this Act, and shall assign to such Registrar and officers such duties as he shall think fit,

Part II.

Part II.

Conciliation Hall.

Conciliation Hall. 8. It shall be lawful for the Governor, by proclamation published in the "Government Gazette," to set apart any suitable land, the property of the Crown, in or near the City of Adelaide as a site for a building to be erected thereon, and to be called Conciliation Hall.

Expense of erection. 9. The Minister may cause the expense of the erection of Conciliation Hall to be defrayed wholly or in part out of any moneys which may be voted by Parliament for the purpose.

Control. 10. The land and buildings shall be under the sole control of the Minister, who shall permit the use of the hall for conciliation purposes in manner prescribed, and subject thereto shall permit the use of the premises, or any part thereof, to any organisations for the holding of meetings, or for offices, or otherwise in connexion with the management of their affairs or the conduct of their business, upon such terms and conditions as shall be prescribed.

Rights of subscribers. 11. In the event of any organisation subscribing to the funds required for the erection of Conciliation Hall, regard shall be had by the Minister to the fact of such subscription and the amount thereof in prescribing the right of such organisation to the use of the premises, or any part thereof; but so that no subscription shall be considered so as to secure to organisations representative of employers any rights in excess of those secured to organisations representative of employees, or *vice versâ*.

Use of premises. 12. Subject to the preceding section the right of all organisations to the use of the premises shall be prescribed with the object of accommodating all in accordance with their probable actual requirements.

Temporary accommodation. 13. It shall be lawful for the Minister, out of such moneys as shall hereafter be voted by Parliament for the purpose, to provide the use of rooms, and such other temporary accommodation as may be required for conciliation purposes; and the Minister may also permit any Government building to be temporarily used for conciliation purposes, free of any charge.

Part III.

Part III.

Registration of Unions.

Applications for registration. 14. Any number of persons lawfully associated for the purpose of protecting or furthering the interests of employers or employees in or in connexion with any industry may register their Society as an Industrial Union pursuant to this Act in manner prescribed, and in compliance with the following requisites:—

1. An application for registration shall be forwarded to the Registrar signed by two or more officers of the Society:
2. Such application shall be accompanied by a statement of the name by which it is desired that the Union shall be registered, and by a copy of the rules by which it is desired that the affairs of the Union shall be regulated:
3. Such rules shall specify the purposes for which the Union is formed and shall provide for—
   a. The appointment and continuance of a Committee of Management and Secretary:
   b. The powers of the Committee, and the control of the Committee by general meetings, and the mode of the exercise of the powers of the Committee, and of the control of general meetings, and the mode in which industrial agreements shall be made and executed on behalf of the Union:

c. The mode in which persons shall become or cease to be members, and so that no member shall discontinue his membership without giving at least three calendar months previous written notice to the Secretary of intention so to do.

d. The conduct of the business of the Union at some convenient address to be specified, and to be called the registered office of the Union.

Rules. 15. The rules may also provide for any other matters not contrary to the law desired by the persons making the application for registration, and the rules may provide for their repeal or alteration, but so that the requisites of subdivision 3 of the preceding paragraph shall always be provided for.

Name. 16. In the name of every Industrial Union the word employers or employees shall be introduced according to whether such Union shall be a Union of employers or employees.

Registration. 17. On compliance with the requisites to an application for registration, the Registrar shall give public notice of the receipt of such application and of his intention to comply therewith; and unless within six weeks after the giving of such notice he shall be satisfied that it is not the desire of a majority of the members of the Society that the registration should proceed, he shall register the Society as an Industrial Union pursuant to the application, but if he shall be so satisfied he shall take no further steps in the matter.

Mode of registration. 18. Registration shall be effected by the publication in the "Government Gazette" of a notice signed by the Registrar in the form in Schedule A., and such notice shall be conclusive evidence of the fact of such registration and of the validity thereof.

Effect of registration. 19. The effect of registration shall be to render the Union, and all persons then or thereafter members thereof, subject to the jurisdiction hereby given to the Boards of Conciliation, and liable to all the provisions of this Act, and bound—

a. By the rules of the Union during the continuance of the membership:

b. By all industrial agreements and industrial awards made by or affecting the Union at any time during the membership.

Cancellation of registration. 20. Any Union may at any time through the committee apply to the Registrar in manner prescribed for a cancellation of the registration thereof, and the Registrar, after giving six weeks' public notice of his intention, may cancel such registration, by the publication in the "Government Gazette" of a notice in the form contained in Schedule B. to this Act: Provided always that no registration shall be cancelled unless the Registrar shall be satisfied that the cancellation is desired by a majority of the members of the Union, and no cancellation of any registration shall relieve any Union, or any member thereof, from the obligation of any industrial agreement or industrial award.

Enforcement of rules. 21. If any person whilst bound by the rules of any Union shall in any particular make default in compliance therewith, he shall for every such default be guilty of an offence against this Act, punishable by fine not exceeding 10*l.*, or such lesser sum as shall be fixed by the rules of the Union.

Part IV.

Part IV.

Registration of Associations.

Applications for registration. 22. Any number of Unions may register themselves as an Industrial Association pursuant to this Act in manner prescribed, and on compliance with the following requisites—

1. An application for registration shall be forwarded to the Registrar, signed by a majority of the members of the committee of each Union desiring to be associated:

2. Such application shall be accompanied by a statement of the name by which it is desired that the Unions shall be associated, and by a copy of the rules by which it is desired that the affairs of the Association shall be regulated:

3. Such rules shall specify the purposes for which the Association is formed, and shall provide for—

a. The appointment and continuance of Council of Management and Chairman:

b. The powers of the Council, and the control of the Council by general meetings, and the mode of the exercise of the powers of the Council, and of the control of general meetings, and the mode in which industrial agreements shall be made and executed on behalf of the Association:

c. The mode in which Unions shall become or cease to be members, but so that no Union shall discontinue their membership without giving at least six calendar months' previous written notice to the Chairman of intention so to do:

d. The conduct of the business of the Association at some convenient address to be specified, and to be called the registered office of the Association.

Rules. 23. The rules may also provide for any other matters not contrary to law desired by the persons making the application for registration, and the rules may provide for their repeal or alteration, but so that the requisites of subdivision 3 of the preceding paragraph shall always be provided for.

Name. 24. In the name of every Industrial Association the word employers or employees shall be introduced according to whether such Associations shall be a Union of employers or employees.

Registration. 25. On compliance with the requisites to an application for registration the Registrar shall give public notice of the receipt of such application, and of his intention to comply therewith; and at the expiration of six weeks after the giving of such notice he shall register the Unions applying for association as an Industrial Association pursuant to their application, but so that he shall except from such registration any Union in respect to which he shall be satisfied that a majority of the members thereof do not desire such association.

Mode of registration. 26. Registration shall be effected by the publication in the "Government Gazette" of a notice signed by the Registrar in the form in Schedule B., and such notice shall be conclusive evidence of the fact of such registration and of the validity thereof.

Effect of registration. 27. The effect of registration shall be to render the Association and all Unions and persons then or thereafter members thereof, or of any Associated Union subject to the jurisdiction hereby given to Boards of Conciliation and liable to all the provisions of this Act, and bound—

a. By the rules of the Association during the continuance of the membership.

b. By all industrial agreements and industrial awards made or affecting the Association at any time during the membership.

Withdrawal. 28. Any Union desiring to withdraw from any Association may, on compliance with the rules of the Association relating to withdrawal, procure from the Registrar a certificate of withdrawal.

Cancellation. 29. Any Association may at any time, through the Council, apply to the Registrar in manner prescribed for a cancellation of the registration thereof, and the Registrar after giving six weeks' public notice of his intention may cancel such registration by the publication in the "Government Gazette" of a notice in the form contained in Schedule of this Act: Provided always that no registration shall be cancelled unless the Registrar shall be satisfied that the cancellation is desired by a majority of the members of each associated Union; and no cancellation of any registration shall relieve any Association or Associated Union, or any member thereof, from the obligation of any industrial agreement or industrial award.

Enforcement of rules. 30. If any Union or person whilst bound by the rules of any Association shall in particular make default in compliance therewith, such Union or person shall, for every such default, be guilty of an offence against this Act, punishable by a fine in the case of a Union not exceeding one hundred pounds, and in the case of an individual not exceeding ten pounds, or in either case such less sum as shall be fixed by the rules of the Association.

Part V.

Part V.

Industrial Agreements.

Industrial agreements. 31. Industrial agreements may be made between organisations, or between organisations and any other persons, or between any persons whomsoever, regulating or in relation to industrial matters, or for the prevention or settlement of disputes and differences in anywise relating thereto.

Term and form. 32. Every industrial agreement shall be for a term to be specified therein, not exceeding five years from the date of the making thereof, and shall be in a form commencing as follows:—"This Industrial Agreement made in pursuance of the Industrial Unions Act, 1890, this day of Between " and the date of the making of such agreement shall be the date when such agreement shall be first executed by any party thereto, and such date and the names of all organisations or persons parties to such agreement shall be truly stated therein.

Duplicate to be filed.

33. A duplicate of every industrial agreement shall be filed in the office of the Registrar within thirty days of the making thereof, and the Registrar, if thereunto required by any person interested therein, shall investigate the matter in such manner as he shall think fit, and if satisfied that the same has been duly made and executed pursuant to this Act, by or on behalf of the parties thereto, shall give a certificate to that effect, which certificate shall be conclusive evidence of the fact.

Effect of industrial agreement.

34. Every industrial agreement duly made and executed shall be binding on the parties thereto and on every person at any time during the term of such agreement, a member of any organisation party thereto, and on every person who in manner prescribed shall signify to the Registrar concurrence therein, and all such persons shall be entitled to the benefit thereof.

Alteration.

35. Any industrial agreement may be varied, renewed, or cancelled, by any subsequent industrial agreement made by any persons bound thereby, but so that no person shall be deprived of the benefit of any industrial agreement by any subsequent industrial agreement by which he shall not be bound.

Enforcement.

36. If any organisation or person bound by any industrial agreement shall in any particular make default in compliance therewith such organisation or person shall for every such default be guilty of an offence against this Act, punishable by a fine not exceeding such amount as shall be fixed by such industrial agreement; and if no amount shall be so fixed then in the case of an organisation not exceeding five hundred pounds, and in the case of an individual not exceeding fifty pounds.

PART VI.

PART VI.

BOARDS OF CONCILIATION.

Boards of Conciliation.

37. For the purpose of this Act, Boards of Conciliation shall be of two classes, as follows:—

1. Private Boards of Conciliation;
2. Public Boards of Conciliation; and Public Boards of Conciliation shall be of two kinds, as follows:—
   a. Local Boards of Conciliation:
   b. The State Board of Conciliation:

Private Boards.

38. Private Boards of Conciliation shall be constituted by industrial agreement, and shall have such jurisdiction for the settlement of industrial disputes between the organisations and persons bound by such industrial agreement as shall be confided to them by such agreement, and, except so far as shall be negatived or modified by such agreement, shall exercise such jurisdiction in such manner, and within the limits of such jurisdiction shall have the same powers and discretions as Public Boards of Conciliation.

Local Boards.

39. Local Boards of Conciliation may be constituted in manner prescribed for particular localities and for particular industries, and shall have jurisdiction for the settlement of industrial disputes occurring in such localities, and industries, or referred to them by way of compulsory conciliation, or by industrial agreement. Compliance with the following requisites shall be essential to the constitution of a Local Board of Conciliation:—

1. The limits of the locality in which the Board shall have jurisdiction shall be the limits of one or more municipalities or District Councils.
2. No Board shall be constituted except in pursuance of a petition to the Minister in manner prescribed praying for the constitution thereof, and a licence from the Governor authorising the constitution thereof, and no such licence shall be granted unless proof shall have been previously given in manner prescribed, and to the satisfaction of the Registrar that the constitution of a Local Board of Conciliation in the particular locality and industry is generally desired by the employers and employees engaged in such industry in such locality, and the Registrar shall have certified the Minister to that effect.
3. No licence shall be granted until the expiration of at least six weeks after public notice shall have been given by the Minister that the Registrar has certified as required by the preceding section.
4. The licence shall fix the number of the Board, and the locality and industry in which the Board shall have jurisdiction, and such licence shall be in duplicate, and one part shall be retained by the Registrar and the other shall be delivered to the petitioners, and a copy of every such licence shall forthwith after its issue be published in the "Government Gazette."
5. The members of the Board, except the Chairman, shall be elected annually in manner prescribed by the employers and employees engaged in the particular industry and locality, employers and employees separately voting for and electing an equal number of such members.
6. The persons so elected shall, at their first meeting, elect some other person altogether unconnected with the particular industry, to be Chairman of the Board, and any casual vacancy in the chairmanship shall be supplied in the same manner at some subsequent meeting. Every Chairman shall hold office until resignation or removal.
7. Electoral rolls, containing the names and addresses of all persons entitled to vote at the election of members of Board, shall be compiled and kept in manner prescribed. The rolls of employers and employees being kept separate and distinct, and no person whose name does not appear on the electoral roll shall be entitled to vote at any such election.
8. No person shall be entitled to have his name entered on an electoral roll unless, being an employer, he shall have been engaged in the particular industry and locality for at least six months immediately preceding the time of such entry, nor unless, being an employee, he shall have followed the occupation of an employee in such industry and locality for at least the same time, and the name of any person entered on any such electoral roll shall be liable to be struck off if at any time he shall, for a period of at least six months, cease to be engaged as an employer in the particular industry and locality, or to follow the occupation of an employee in such industry and locality.
9. The Registrar may correct any electoral roll in any manner which he shall think fit, and his decision shall be conclusive as to the right of any person to be entered as a voter on any electoral roll.

State Board.

40. The State Board shall have jurisdiction for the settlement of all such industrial disputes as shall be referred to it by way of compulsory conciliation pursuant to section 52, or by the Minister pursuant to section 53, or by industrial agreement.

Mode of appointment.

41. The State Board shall be appointed by the Governor, and shall consist of seven members, of whom three may be recommended to the Governor by organisations representative of employers, and three by organisations representative of employees.

President.

42. No recommendation shall be received from any organisation in respect of the remaining member of the State Board, and such remaining member shall also be President of the Board.

Tenure of office.

43. Every member of the State Board shall hold office until resignation or removal, and any casual vacancy occurring in the membership shall be supplied in the same manner as the original appointment was made.

Procedure.

44. Every public Board of Conciliation shall, in such manner as it shall think fit, carefully and expeditiously inquire into and investigate any industrial dispute of which it shall have cognizance, and all matters affecting the merits of such dispute or the right settlement thereof.

Settlement.

45. In the course of such inquiry and investigation the Board shall make all such suggestions and do all such things as shall appear to them as right and proper to be made or done for securing a fair and amicable settlement of the matters in dispute by agreement between the parties, and if no such settlement shall be arrived at, shall decide the question according to the merits and substantial justice of the case.

Reference to sub-committee.

46. In particular, but without limiting the general power given to the Board by the preceding section, it shall be lawful for the Board to temporarily refer the matters to a committee of their number, consisting of an equal number of representatives of employers and employees, who shall endeavour to reconcile the parties.

Voting.

47. In all matters coming before any Public Board of Conciliation, the decision of the Board shall be determined by a majority of the votes of the members present, exclusive of the President or Chairman, except in the case of an equality of such votes, in which case only the President or Chairman shall vote, and his vote shall decide the question.

Quorum.

48. Three-fourths of the total number of the members of a Board of Conciliation shall be necessary to constitute a quorum.

Boards may compel witnesses to attend, &c.

49. Every Board of Conciliation shall have full powers for requiring and compelling the attendance and examination of witnesses, and such powers shall be exercised in such manner as may be prescribed.

Power to continue member in office.

50. It shall be lawful for the Minister, by any writing under his hand, in the event of the period of office of the member of any Public Board expiring whilst such Board shall be seized of any matters in dispute, to continue such member in office for any time not exceeding altogether

one month, in order to enable such member to take part in the settlement of such matters in dispute.

PART VII.

PART VII.

COMPULSORY CONCILIATION.

Inquiry by Minister.

51. If any industrial dispute shall hereafter arise between any organisations, it shall be lawful for the Minister to inquire into the nature and extent of such dispute, in such manner as he shall think fit, for the purpose of ascertaining whether or not it should be settled by compulsory conciliation.

Compulsory reference.

52. If after such inquiry the Minister shall certify to the Governor that the dispute is one which should be settled by means of compulsory conciliation, it shall be lawful for the Governor, by proclamation published in the "Government Gazette," to declare that all matters in dispute between the organisations, to be mentioned in such proclamation, or any of such matters, to be specified in such proclamation, shall be referred to any Public Board of Conciliation, to be mentioned in such proclamation for settlement, and the same shall stand referred accordingly.

Reference from Local to State Board.

53. If at any time it shall be made to appear to the Minister that any industrial dispute which would otherwise come before or be settled by any Local Board of Conciliation is likely to be more satisfactorily disposed of by the State Board of Conciliation, it shall be lawful for the Minister, by any writing under his hand, to refer such dispute to the State Board for settlement, and the same shall stand referred accordingly.

PART VIII.

PART VIII.

ENFORCEMENT OF AWARDS AND AGREEMENTS.

Terms of awards.

54. Every award shall specify the organisations and persons on which it is intended that it shall be binding, and the period not exceeding five years from the making thereof, during which its provisions may be enforced.

Parties bound.

55. Unless otherwise expressed therein the award of every Local Board of Conciliation and of the State Board of Conciliation in the matter of any dispute referred to the State Board from a Local Board by the Minister pursuant to section 53 shall be binding during the period thereof on all employers and employees in the particular locality and industry for which the Local Board is constituted.

Duplicate to be filed.

56. A duplicate of every award shall be filed in the office of the Registrar, and thereafter during the period during which its provisions may be enforced it shall be binding upon all organisations and persons upon which it shall be declared that it shall be binding, and upon all members of such organisations.

Registrar to enforce.

57. The Registrar, at the instance of any organisation or person interested, shall do all things necessary for enforcing any award against any organisation or person bound thereby.

Courts to act in aid of Registrar.

58. Every Court of the province and every officer thereof shall Act in aid of the Registrar in enforcing compliance of the award as fully and effectually, and to all intents and purposes as if such award were a decree, order, or judgment of every such Court duly made and given, and such award shall be deemed to be a decree, order, or judgment of every such Court, and the process of every such Court as shall be required by the Registrar shall be issued and executed for enforcing such compliance in like manner as upon the decree, order, or judgment of such Court.

Limitation of liability under award.

59. Unless otherwise ordered by the award or sanctioned by the Minister, no process shall be issued for the enforcement of any award by the payment from any organisation or person of a greater sum than one thousand pounds, or from any individual, on account of his membership of an organisation, of any greater sum than ten pounds.

Process against property of organisations.

60. For the purpose of enforcing compliance with any award, process may be issued and executed against the property of any organisation, or in which any organisation shall have any beneficial interest, and whether vested in trustees or howsoever otherwise, the same may be held in the same manner as if such organisation was an incorporated Company, and the absolute owner of such property or interest.

Fees.

61. No fees of Court shall be charged for the issue or execution of any process for compelling compliance with any award.

Application of moneys received under process.

62. All moneys that shall be received by virtue of any process for enforcing compliance with any award shall be applied in such manner as the award may direct, and in default of or subject to any such direction in such manner as the Registrar may decide, for the benefit of those interested in the performance of the award.

Enforcement of award.

63. Any person wilfully making default in compliance with any award, unless such award shall otherwise direct, shall be guilty of an offence against this Act, punishable on summary conviction by a fine not exceeding 20*l.*, or by imprisonment, with or without hard labour, for any term not exceeding three calendar months.

Provision for enforcement of awards to apply.

64. All provisions herein-before in this part of this Act contained with reference to the enforcement of awards shall apply to the enforcement of industrial agreements in like manner as if agreements had been mentioned in such provisions whenever awards are referred to.

PART IX.

PART IX.

PENALTIES ON CERTAIN LOCK-OUTS AND STRIKES.

Penalty on lock-out.

65. If any organisation of employers or any member thereof shall counsel, take part in, support, or assist directly or indirectly any lock-out on account of any industrial dispute for the settlement of which any Board of Conciliation shall have jurisdiction, such organisation or member shall be guilty of an offence against this Act, punishable by a fine in the case of an organisation not exceeding 500*l.*, or in the case of an individual not exceeding 20*l.*

Penalty on strike.

66. If any organisation of employees or any member thereof shall counsel, take part in, support, or assist directly or indirectly any strike on account of any industrial dispute for the settlement of which any Board of Conciliation shall have jurisdiction, such organisation or member shall be guilty of an offence against this Act, punishable as mentioned in the preceding section.

PART X.

PART X.

MISCELLANEOUS.

Act may be extended by Proclamation.

67. It shall be lawful for the Governor, by a proclamation published in the "Government Gazette," to declare that the provisions of this Act shall apply to all Trades Unions or Employers Unions, or to any Trades Union or Employers' Union to be specified in such proclamation, and thereupon every such Union and every member thereof shall become subject to the jurisdiction conferred on Boards of Conciliation by this Act in like manner as if such Union were a Union registered pursuant to the provisions of this Act.

Trade Unions may be required to register as associations.

68. It shall be lawful for the Governor, by proclamation published in the "Government Gazette," to declare that no Trade or Employers' Union shall hereafter be formed or registered unless it shall be registered as an Industrial Union pursuant to this Act, and every such proclamation shall have the force of law.

Requisites to Proclamation.

69. No proclamation shall be issued by the Governor pursuant to section 67 or 68 unless he shall previously have received addresses from both Houses of Parliament in the same session thereof, praying him to issue the same.

Half-yearly lists of Unions.

70. Every half-year, in the months of March and September, there shall be forwarded to the Registrar a certified list of the Unions constituting the Association.

Half-yearly lists of members.

71. Every half-year in the same months, there shall be forwarded to the Registrar a certified list of the members of every Union.

Alterations of rules.

72. Certified copies of all alterations of the rules of any organisation shall forthwith, as such alterations are made, be forwarded to the Registrar.

Penalty on non-compliance.

73. Every organisation making default in forwarding to the Registrar any list or copy required to be forwarded by sections 70, 71, or 72, shall be guilty of an offence against this Act, punishable by a fine not exceeding 2*l.* for every day during which such default continues; and every member of the Council or Committee of any such organisation who wilfully permits such default shall be guilty of a similar offence, punishable by a fine not exceeding 5*s.* for every day during which he wilfully permits such default.

Matters may be decided by Registrar.

74. The Registrar, on the request of any person interested, shall investigate and decide in such manner as he shall think fit, any matter relating to the rule or appeal, or alteration of the rules, or membership or cesser of membership of any organisation, and any certificate of the Registrar dealing with any such question shall be conclusive evidence of the matter therein stated, unless such certificate shall be varied by a subsequent certificate of the Registrar, in which case the subsequent certificate shall prevail.

Reopening of matters decided by Registrar.

75. The Registrar shall only once reopen for the purpose of varying any matter which he shall have disposed of by a certificate, and then only with the previous written consent of the Minister.

Minister may review decision of Registrar.

76. The Minister may review, annul, rescind, or vary any act or decision of the Registrar in any manner which he shall think fit, and if the Minister shall annul, rescind, or vary any such act or decision he shall, within fourteen days

thereafter, if Parliament be then sitting, or if Parliament be not then sitting, then within fourteen days after the first meeting of Parliament thereafter, lay before both Houses of Parliament a return showing the mode in which he has annulled, rescinded, or varied such act or decision, and his reasons for such annulment, rescission, or variation.

Removal by Minister.

77. It shall be lawful for the Minister, by any writing under his hand, to remove from office any member of any Board of Conciliation who shall be proved to the satisfaction of the Minister to have misconducted himself in such office, or to be unfit to discharge the duties thereof, or to have refused, neglected, or delayed to discharge any such duties.

Proceeding of Board not to be quashed.

78. No award or proceeding of any Board of Conciliation shall be liable to be challenged, appealed against, reviewed, quashed, or called in question by any Court on any account whatsoever.

Regulations.

79. The Governor may make all such regulations not inconsistent with this Act, either applicable generally or to meet particular cases, as may be necessary or desirable to carry out the objects and purposes, or as he may consider convenient for the administration and execution thereof.

Publication of regulations.

80. All such regulations shall be published in the "Government Gazette," and within fourteen days after the making thereof shall be laid before both Houses of Parliament, if Parliament be then sitting, and if Parliament be not then sitting, then within fourteen days after the beginning of the next session of Parliament, and shall have the force of law from the date of such publication.

Penalty on persuading to commission of offence.

81. Every person who shall persuade or endeavour to persuade any other person to commit an offence against this Act shall himself be guilty of an offence against this Act, punishable by the penalty attached to the first-mentioned offence.

How organisations may sue.

82. Any organisation may sue or be sued for the purposes of this Act, or otherwise, in the name by which it is registered, and service of any process on the Chairman or Secretary, or at the registered office of the organisation, shall be sufficient for all purposes.

Rules may define default.

83. The rules of any Association or any industrial agreement or award may fix and determine what shall constitute a default by an organisation within the meaning of this Act.

Summary jurisdiction.

84. Every proceeding for any offence against this Act may be had and taken before, and be heard and determined in a summary way by any special magistrate or two Justices of the Peace, under the provisions of an Ordinance of the Governor and Legislative Council, No. 6 of 1850, intituled "An Ordinance to facilitate the performance of the duties "of Justices of the Peace out of sessions with respect to "summary convictions and orders," or of any Act now in force or hereafter to be in force, relating to the duties of Justices of the Peace with respect to summary convictions and orders, and all convictions and orders made by such magistrate or Justices may be enforced, as in the said Ordinance, or in any other Act as aforesaid is or shall be provided.

Appeals.

85. There shall be an appeal to the Local Court of Adelaide of full jurisdiction only from every conviction by any special Magistrate or Justices for any offence against this Act, and from every order dismissing any information or complaint, or from every order dismissing any information or complaint, or from any other order made by such Magistrate or Justices under this Act; and the proceedings on such appeal shall be conducted in manner appointed by the said Ordinance, No. 6 of 1850, for appeals to Local Courts, or any Act to be hereafter in force regulating such appeals; but the Local Court of Adelaide aforesaid shall have power to make such order as to the payment of the costs of the appeal as it shall think fit, although such costs may exceed ten pounds.

No. IX.

A Bill for an Act to Facilitate the Settlement of Industrial Disputes.

Preamble.

Whereas it is desirable to facilitate the settlement of industrial disputes.—Be it enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows, that is to say:—

Short title.

1. This Act may be cited for all purposes as the "Conciliation Act, 1892."

Commencement.

2. This Act shall come into force on the first day of January 1893.

Interpretation.

3. In the construction of this Act the following words have the following meanings, that is to say:—

"Industry" means any avocation, business, trade, undertaking, calling, or employment:
"Industrial matters" includes all matters relating to pay, wages, hours, privileges, rights, or duties of employers or employees in any industry:
"Industrial disputes" includes all disputes relating to industrial matters:
"Industrial agreement" means an industrial agreement made pursuant to this Act:
"Industrial award" means an industrial award made by a board of conciliation pursuant to this Act:
"Minister" means the Minister of Industry:
"Registrar" means the Industrial Registrar:
"Union" means an Industrial Union registered pursuant to this Act:
"Committee" means the committee of any union:
"Secretary" means secretary of a union:
"Association" means any association of unions registered pursuant to this Act:
"Chairman" means chairman of an association:
"Council" means the council of any association:
"Organisation" means any union or association:
"Prescribed" means prescribed by regulation made pursuant to this Act:
"Certified" means certified in manner prescribed:
"Public notice" means notice by advertisement published in the "Government Gazette:"
"Person" includes every person, company, and corporate body:
"Conciliation purposes" means the holding of meetings for the purpose or in the course of the settlement of industrial disputes, and whether of the disputing parties or their delegates or representatives, or boards of conciliation, committees, or otherwise.

Parts.

4. This Act is divided into 11 parts, as follows:—

Part I.—The Minister and Registrar:
Part II.—Conciliation Hall:
Part III.—Registration of Unions:
Part IV.—Registration of Associations:
Part V.—Industrial Agreements:
Part VI.—Boards of Conciliation:
Part VII.—Compulsory Conciliation:
Part VIII.—Enforcement of Industrial Awards and Agreements;
Part IX.—Penalties on certain Lockouts and Strikes:
Part X.—Reports on Industrial Disputes.
Part XI.—Miscellaneous.

Part I.

The Minister and Registrar.

Minister of industry.

5. The Governor shall appoint some member of the Executive Council to be Minister of Industry.

Vacation of office.

6. The Minister shall vacate his office whenever he shall cease to be a member of the Executive Council.

Industrial registrar.

7. The Governor shall also appoint an industrial registrar and such other officers as shall be required to carry out the purposes of this Act, and shall assign to such registrar and officers such duties as he shall think fit.

Part II.

Conciliation Hall.

Conciliation hall.

8. It shall be lawful for the Governor, by proclamation published in the "Government Gazette," to set apart any suitable land, the property of the Crown, in or near the city of Adelaide as a site for a building for the purposes of a conciliation hall: Provided that no such proclamation shall be issued until plans and descriptions of the land shall have been laid before both Houses of Parliament for not less than fourteen days.

Expense of erection.

9. The Minister may cause the expense of the erection of conciliation hall to be defrayed out of any moneys which may be voted by Parliament for the purpose.

Control.

10. The land and buildings shall be under the sole control of the minister, who shall permit the free use of the hall for conciliation or other purposes in manner prescribed, and subject thereto shall permit the use of the premises, or any part thereof, to any organisations for the holding of meetings, or for offices, or otherwise in connexion with the management of their affairs or the conduct of their business, upon such terms and conditions as shall be prescribed.

Use of premises.

11. The right of all organisations to the use of the premises shall be prescribed with the object of accommodating all in accordance with their probable actual requirements, and subject thereto, with a view of securing equal rights to organisations representative of employers and to organisations representative of employés.

Temporary accommodation.

12. It shall be lawful for the Minister, out of such moneys as shall hereafter be voted by Parliament for the purpose, to provide the use of rooms, and such other temporary accommodation as may be required for conciliation purposes; and the Minister may also permit any Government building to be temporarily used for conciliation purposes, free of any charge.

Part III.

Registration of Unions.

Applications for registration.

13. Any number of persons lawfully associated for the purpose of protecting or furthering the interests of employers or employés in, or in connexion with any industry, may register their society as an industrial union pursuant to this Act in manner prescribed, and in compliance with the following requisites:—

1. An application for registration shall be forwarded to the registrar signed by two or more officers of the society.
2. Such application shall be accompanied by a statement of the name by which it is desired that the union shall be registered, and by a copy of the rules by which it is desired that the affairs of the union shall be regulated.
3. Such rules shall be approved by the registrar and shall specify the purposes for which the union is formed, and shall provide for—
   a. The appointment and continuance of a committee of management and secretary:
   b. The powers of the committee, and the control of the committee by general meetings, and the mode of the exercise of the powers of the committee, and of the control of general meetings, and the mode in which industrial agreements shall be made and executed on behalf of the union:
   c. The mode in which persons shall become or cease to be members and shall pay the membership subscriptions, and so that no member shall discontinue his membership without giving at least three calendar months' previous written notice to the secretary of intention so to do:
   d. The conduct of the business of the union at some convenient address to be specified, and to be called the registered office of the union.

Rules.

14. The rules may also provide for any other matters not contrary to law desired by the persons making the application for registration, and the rules may provide for their repeal or alteration, but so that the requisites of subdivision 3 of the preceding section shall always be provided for.

Name.

15. In the name of every industrial union the word employers or employés shall be introduced according to whether such union shall be a union of employers or employés.

Registration.

16. On compliance with the requisites to an application for registration, the registrar shall give public notice of the receipt of such application; and if within six weeks after the giving of such notice he shall be satisfied that it is the desire of at least two-thirds of the members of the society that the registration should proceed, he shall register the society as an industrial union pursuant to the application, but if he shall not be so satisfied he shall take no further steps in the matter.

Mode of registration.

17. Registration shall be effected by the publication in the "Government Gazette" of a notice signed by the registrar in the form in Schedule A., and such notice shall be conclusive evidence of the fact of such registration and of the validity thereof.

Effect of registration.

18. The effect of registration shall be to render the union, and all persons then or thereafter members thereof, subject to the jurisdiction hereby given to boards of conciliation, and liable to all the provisions of this Act, and bound—

a. By the rules of the union during the continuance of the membership:
b. By all industrial agreements and industrial awards made by or affecting the union at any time during the membership.

Cancellation of registration.

19. Any union may at any time through the committee apply to the registrar in manner prescribed for a cancellation of the registration thereof, and the registrar, after giving six weeks' public notice of his intention, may cancel such registration, by the publication in the "Government Gazette" of a notice in the form contained in Schedule B. to this Act: Provided always that no registration shall be cancelled unless the registrar shall be satisfied that the cancellation is desired by at least two-thirds of the members of the union, and no cancellation of any registration shall relieve any union, or any member thereof, from the obligation of any industrial agreement or industrial award.

Enforcement of rules.

20. If any person whilst bound by the rules of any union shall in any particular make default in compliance therewith, he shall for every such default be guilty of an offence against this Act, punishable by a fine not exceeding ten pounds, or such lesser sum as shall be fixed by the rules of the union.

Part IV.

Registration of Associations.

Applications for registration.

21. Any number of unions may register themselves as an industrial association pursuant to this Act in manner prescribed, and on compliance with the following requisites—

1. An application for registration shall be forwarded to the registrar, signed by a majority of the members of the committee of each union desiring to be associated.
2. Such application shall be accompanied by a statement of the name by which it is desired that the unions shall be associated, and by a copy of the rules by which it is desired that the affairs of the association shall be regulated.
3. Such rules shall be approved by the registrar, and shall specify the purposes for which the association is formed, and shall provide for—
   a. The appointment and continuance of council of management and chairman:
   b. The powers of the council, and the control of the council by general meetings, and the mode of the exercise of the powers of the council, and of the control of general meetings, and the mode in which industrial agreements shall be made and executed on behalf of the Association:
   c. The mode in which unions shall become or cease to be members, and shall pay their membership subscriptions, but so that no union shall discontinue their membership without giving at least six calendar months' previous written notice to the chairman of intention so to do:
   d. The conduct of the business of the association at some convenient address to be specified, and to called the registered office of the Association.

Rules.

22. The rules may also provide for any other matters not contrary to law desired by the persons making the application for registration, and the rules may provide for their repeal or alteration, but so that the requisites of sub-division 3 of the preceding section shall always be provided for.

Name.

23. In the name of every industrial association the word employers or employés shall be introduced according to whether such associations shall be a union of employers or employés.

Registration.

24. On compliance with the requisites to an application for registration the registrar shall give public notice of the receipt of such application, and at the expiration of six weeks after the giving of such notice he shall register the unions applying for association as an industrial association pursuant to their application, but so that he shall except from such registration any union in respect to which he shall not be satisfied that at least two-thirds of the members thereof desire such association.

Mode of registration.

25. Registration shall be effected by the publication in the "Government Gazette" of a notice signed by the registrar in the form in Schedule A., and such notice shall be conclusive evidence of the fact of such registration and of the validity thereof.

Effect of registration.

26. The effect of registration shall be to render the association and all unions and persons then or thereafter bers thereof, or of any associated union subject to

the jurisdiction hereby given to boards of conciliation and liable to all the provisions of this Act, and bound—

a. By the rules of the association during the continuance of the membership:

b. By all industrial agreements and industrial awards made or affecting the association at any time during the membership.

Withdrawal.

27. Any union desiring to withdraw from any association may, on compliance with the rules of the association relating to withdrawal, procure from the registrar a certificate of withdrawal.

Cancellation.

28. Any association may at any time, through the council, apply to the registrar in manner prescribed for a cancellation of the registration thereof, and the registrar, after giving six weeks' public notice of his intention, may cancel such registration by the publication in the "Government Gazette" of a notice in the form contained in Schedule B. of this Act: Provided always that no registration shall be cancelled unless the registrar shall be satisfied that the cancellation is desired by at least two-thirds of the members of each associated union; and no cancellation of any registration shall relieve any association or associated union, or any member thereof, from the obligation of any industrial agreement or industrial award.

Enforcement of rules.

29. If any union or person whilst, bound by the rules of any association, shall in any particular make default in compliance therewith, such union or person shall, for every such default, be guilty of an offence against this Act, punishable by a fine in the case of a union not exceeding one hundred pounds, and in the case of an individual not exceeding ten pounds, or in either case such lesser sum as shall be fixed by the rules of the association.

Part V.

Industrial Agreements.

Industrial agreements.

30. Industrial agreements may be made between organisations, or between organisations and any other persons, or between any persons whomsoever, regulating or in relation to industrial matters, or for the prevention or settlement of disputes and differences in anywise relating thereto.

Term and form.

31. Every industrial agreement shall be for a term to be specified therein, not exceeding five years from the date of the making thereof, and shall be in a form commencing as follows:—"This Industrial Agreement "made in pursuance of the 'Conciliation Act, 1891,' "this day of "Between"

and the date of the making of such agreement shall be the date when such agreement shall be first executed by any party thereto, and such date and the names of all organisations or persons parties to such agreement shall be truly stated therein.

Duplicate to be filed.

32. A duplicate of every industrial agreement shall be filed in the office of the registrar, and of every organisation affected thereby, within 30 days of the making thereof, and shall be open to inspection, and the registrar, if thereunto required by any person interested therein, shall investigate the matter, in such manner as he shall think fit, and if satisfied that the same has been duly made and executed pursuant to this Act, by or on behalf of the parties thereto, shall give a certificate to that effect, which certificate shall be conclusive evidence of the fact.

Effect of industrial agreement.

33. Every industrial agreement duly made and executed shall be binding on the parties thereto and on every person at any time during the term of such agreement a member of any organisation party thereto, and on every person who in manner prescribed shall signify to the registrar concurrence therein, and all such persons shall be entitled to the benefit thereof.

Alteration.

34. Any industrial agreement may be varied, renewed, or cancelled by any subsequent industrial agreement made by any persons bound thereby, but so that no person shall be deprived of the benefit of any industrial agreement by any subsequent industrial agreement by which he shall not be bound.

Enforcement.

35. If any organisation or person bound by any industrial agreement shall in any particular make default in compliance therewith such organisation or person shall for every such default be guilty of an offence against this Act, punishable by a fine not exceeding such amount as shall be fixed by such industrial agreement; and if no amount shall be so fixed, then in the case of an organisation not exceeding five hundred pounds, and in the case of an individual not exceeding fifty pounds.

Part VI.

Boards of Conciliation.

Board conciliation.

36. For the purpose of this Act, boards of conciliation shall be of two classes, as follows:—

1. Private boards of conciliation;

2. Public boards of conciliation; and public boards of conciliation shall be of two kinds, as follows:

a. Local boards of conciliation;

b. The State board of conciliation.

Private boards.

37. Private boards of conciliation shall be constituted by industrial agreement, and shall have such jurisdiction for the settlement of industrial disputes between the organisations and persons bound by such industrial agreement as shall be confided to them by such agreement, and, except so far as shall be negatived or modified by such agreement, shall exercise such jurisdiction in such manner, and within the limits of such jurisdiction shall have the same powers and discretions as public boards of conciliation.

Local boards.

38. Local boards of conciliation may be constituted in manner prescribed for particular localities and for particular industries, and shall have jurisdiction for the settlement of industrial disputes occurring in such localities and industries, or referred to them by way of compulsory conciliation or by industrial agreement. Compliance with the following requisites shall be essential to the constitution of a local board of conciliation:—

1. The limits of the locality in which the board shall have jurisdiction shall be the limits of one or more municipalities or district councils.
2. No board shall be constituted except in pursuance of a petition to the Minister in manner prescribed praying for the constitution thereof, and a licence from the Governor authorising the constitution thereof, and no such licence shall be granted unless proof shall have been previously given in manner prescribed, and to the satisfaction of the registrar that the constitution of a local board of conciliation in the particular locality and industry is desired by at least two-thirds respectively of the employers and employés engaged in such industry in such locality, and the registrar shall have certified the Minister to that effect.
3. No licence shall be granted until the expiration of at least six weeks after public notice shall have been given by the Minister that the registrar has certified as required by the preceding section.
4. The licence shall fix the number of the members of the board, and the locality and industry in which the board shall have jurisdiction, and such licence shall be in duplicate, and one part shall be retained by the registrar and the other shall be delivered to the petitioners, and a copy of every such licence shall forthwith after its issue be published in the "Government Gazette."
5. The members of the board, except the chairman, shall be elected annually in manner prescribed by the employers and employés engaged in the particular industry and locality, employers and employés separately voting for, and electing an equal number of such members.
6. The persons so elected shall, at their first meeting, elect some other person altogether unconnected with the particular industry, to be chairman of the board, and any casual vacancy in the chairmanship shall be supplied in the same manner at some subsequent meeting. Every chairman shall hold office until resignation or removal.
7. Electoral rolls, containing the names and addresses of all persons entitled and desiring to vote at the election of members of the board, shall be compiled and kept in manner prescribed; the rolls of employers and employés being kept separate and distinct, and no person whose name does not appear on the electoral roll shall be entitled to vote at any such election, and no person whose name is entered as a voter shall be entitled to have his name removed, except on giving at least one calendar month's notice in manner prescribed.
8. No person shall be entitled to have his name entered on an electoral roll unless, being an employer, he shall have been engaged in the particular industry and locality for at least one month immediately preceding the time of such entry, nor unless, being an employé, he shall have

followed the occupation of an employé in such industry and locality for at least the same time, and the name of any person entered on any such electoral roll shall be liable to be struck off if at any time he shall, for a period of at least twelve months, cease to be engaged as an employer in the particular industry and locality, or to follow the occupation of an employé in such industry and locality:

9. The registrar may correct any electoral roll in any manner which he shall think fit, and his decision shall be conclusive as to the right of any person to be entered as a voter on any electoral roll.

State board.

39. The State board shall have jurisdiction for the settlement of all such industrial disputes as shall be referred to it by way of compulsory conciliation pursuant to section 53, or by the president pursuant to section 54, or by industrial agreement.

Mode of appointment.

40. The State board shall be appointed by the Governor, and shall consist of seven members, of whom three may be recommended to the Governor by organisations representative of employers and three by organisations representative of employés. Until there shall be an organisation representative of employers and an organisation representative of employés, the recommendations mentioned in this section may be made by the Employers' Union of South Australia on behalf of employers, and by the Trades and Labour Council of South Australia on behalf of employés.

President.

41. No recommendation shall be received from any organisation in respect of the remaining member of the State board, and such remaining member shall also be president of the board.

The president of the State board shall receive an annual salary not exceeding one thousand five hundred pounds, to be fixed by the Governor, and shall be entitled to hold office during good behaviour for five years, and shall be eligible for re-appointment, and shall not be liable to removal except on addresses to the Governor from both Houses of Parliament during one session thereof praying for his removal.

The president of the State board of conciliation shall be charged with the duty at all times, by all lawful ways and means, of reconciling the parties to industrial disputes in all cases in which it shall appear to him that his mediation is desirable in the public interest.

Tenure of office.

42. Every member of the State board, other than the President, shall receive an annual salary or allowance not exceeding two hundred pounds, to be fixed by the Governor, and shall hold office until resignation or removal, and any casual vacancy occurring in the membership shall be supplied in the same manner as the original appointment was made.

Governor may appoint other persons to be members of the Board.

43. If by reason of special knowledge required, or from any cause, it shall appear to the President that the state board of conciliation, for the purposes of any investigation, report, or award, should be constituted either wholly or partially of other members than the ordinary members, the Governor, on receiving the certificate of the president to that effect, may appoint other persons to be members of the state board in the places of all or any of the ordinary members, but for the purposes only of such investigation, report, or award, but so that the equal representation of employers and employés shall always be maintained, and the right to recommend the appointment of representatives shall apply to appointments under this section as well as to original appointments.

Procedure.

44. Every public board of conciliation shall, in such manner as it shall think fit, carefully and expeditiously inquire into and investigate any industrial dispute of which it shall have cognizance, and all matters affecting the merits of such dispute or the right settlement thereof.

Settlement of dispute.

45. In the course of such inquiry and investigation, the board shall make all such suggestions and do all such things as shall appear to them as right and proper to be made or done for securing a fair and amicable settlement of the matters in dispute by agreement between the parties, and if no such settlement shall be arrived at, shall, by an award, decide the question according to the merits and substantial justice of the case.

Reference to sub-committee.

46. In particular, but without limiting the general power given to the board by the preceding section, it shall be lawful for the board to temporarily refer the matters to a committee of their number, consisting of an equal number of representatives of employers and employés, who shall endeavour to reconcile the parties.

Voting.

47. In all matters coming before any public board of conciliation the decision of the board shall be determined by a majority of the votes of the members present, exclusive of the president or chairman, except in the case of an equality of such votes, in which case only the president or chairman shall vote, and his vote shall decide the question.

Quorum.

48. Five members of a board of conciliation shall be necessary to constitute a quorum.

Boards may compel witnesses to attend, &c.

49. Every board of conciliation shall have full powers for requiring and compelling the attendance and examination of witnesses, and such powers shall be exercised in such manner as may be prescribed.

Power to continue member in office.

50. It shall be lawful for the Minister, by any writing under his hand, in the event of the period of office of the member of any public board expiring whilst such board shall be seized of any matters in dispute, to continue such member in office for any time not exceeding altogether one month, in order to enable such member to take part in the settlement of such matters in dispute.

Salaries and allowances to be paid by Treasurer out of general revenue.

51. All salaries and allowances fixed by the Governor under the provisions of this Act shall be paid by the treasurer out of the general revenue.

Part VII.

Compulsory Conciliation.

Inquiry by president.

52. If any industrial dispute shall hereafter arise between any organisations it shall be lawful for the president to inquire into the nature and extent of such dispute, in such manner as he shall think fit, for the purpose of ascertaining whether or not it should be settled by compulsory conciliation.

Compulsory reference.

53. If after such inquiry the president shall certify to the Governor that the dispute is one which should be settled by means of compulsory conciliation, it shall be lawful for the Governor, by proclamation published in the "Government Gazette" to declare that all matters in dispute between the organisations, to be mentioned in such proclamation, or any of such matters to be specified in such proclamation, shall be referred to any public board of conciliation to be mentioned in such proclamation for settlement, and the same shall stand referred accordingly.

Reference from Local to State Board.

54. If at any time it shall be made to appear to the president that any industrial dispute which would otherwise come before or be settled by any local board of conciliation is likely to be more satisfactorily disposed of by the State board of conciliation, it shall be lawful for the president, by any writing under his hand, to refer such dispute to the state board for settlement, and the same shall stand referred accordingly.

Part VIII.

Enforcement of Awards and Agreements.

Terms of awards.

55. Every award shall specify the organisations and persons on which it is intended that it shall be binding, and the period not exceeding three years from the making thereof, during which its provisions may be enforced.

Parties bound.

56. Unless otherwise expressed therein the award of every local board of conciliation and of the State board of conciliation in the matter of any dispute referred to the state board from a local board by the president pursuant to section 53 shall be binding during the period thereof on all employers and employés in the particular locality and industry for which the local board is constituted, and whose names are entered as voters on the electoral roll of the local board at the time of the making of the award.

Duplicate to be filed.

57. A duplicate of every award shall be filed in the office of the registrar, and of every organisation affected, and thereafter during the period during which its provisions may be enforced it shall be binding upon all organisations and persons upon which it shall be declared that it shall be binding and upon all members of such organisations.

Registrar to enforce.

58. The registrar, at the instance of any organisation or person interested, shall do all things necessary for enforcing any award against any organisation or person bound thereby.

Courts to act in aid of registrar.

59. Every court of the province and every officer thereof shall act in aid of the registrar in enforcing

compliance of the award as fully and effectually, and to all intents and purposes as if such award were a decree, order, or judgment of every such court duly made and given, and such award shall be deemed to be a decree, order, or judgment of every such court, and the process of every such court as shall be required by the registrar shall be issued and executed for enforcing such compliance in like manner as upon the decree, order, or judgment of such court.

Limitation of liability under award.

60. Unless otherwise ordered by the award or sanctioned by the president, no process shall be issued for the enforcement of any award by a payment from any organisation or person of a greater sum than one thousand pounds, or from any individual, on account of his membership of an organisation, of any greater sum than ten pounds.

Process against property of organisations.

61. For the purpose of enforcing compliance with any award process may be issued and executed against the property of any organisation, or in which any organisation shall have any beneficial interest, and whether vested in trustees or howsoever otherwise the same may be held in the same manner as if such organisation was an incorporated company and the absolute owner of such property or interest.

Fees.

62. No fees of court shall be charged for the issue or execution of any process for compelling compliance with any award.

Application of moneys received under process.

63. All moneys which shall be received by virtue of any process for enforcing compliance with any award shall be applied in such manner as the award may direct, and in default of or subject to any such direction in such manner as the registrar may decide, for the benefit of those interested in the performance of the award.

Enforcement of award.

64. Any person wilfully making default in compliance with any award, unless such award shall otherwise direct, shall be guilty of an offence against this Act, punishable on summary conviction by a fine not exceeding twenty pounds, or by imprisonment, with or without hard labour, for any term not exceeding three calendar months.

Provision for enforcement of awards to apply.

65. All provisions hereinbefore in this part of this Act contained with reference to the enforcement of awards shall apply to the enforcement of industrial agreements in like manner as if agreements had been mentioned in such provisions whenever awards are referred to.

Part IX.

Penalties on certain Lock-outs and Strikes.

Penalty on lock-out.

66. If any organisation of employers or any member thereof shall counsel, take part in, support, or assist directly or indirectly any lock-out on account of any industrial dispute for the settlement of which any board of conciliation shall have jurisdiction, such organisation or member shall be guilty of an offence against this act, punishable by a fine in the case of an organisation not exceeding five hundred pounds, or in the case of an individual not exceeding twenty pounds.

Penalty on strike.

67. If any organisation of employés or any member thereof shall counsel, take part in, support, or assist directly or indirectly any strike on account of any industrial dispute for the settlement of which any board of conciliation shall have jurisdiction, such organisation or member shall be guilty of an offence against this Act, punishable as mentioned in the preceding section.

Part X.

Reports on Industrial Disputes.

Industrial report.

68. If any industrial dispute shall hereafter arise it shall be lawful for the president to inquire into the nature and extent of such dispute for the purpose of ascertaining whether or not it should be investigated and reported upon by a public board of conciliation.

Procedure for investigation.

69. If after such inquiry the President shall certify that the dispute is one which should be investigated and reported upon by a public board of conciliation, it shall be lawful for the Governor, by proclamation published in the "Government Gazette," to declare that all matters in dispute specified in such proclamation shall be referred to a public board of conciliation to be mentioned in such proclamation for investigation and report, and the same shall stand referred accordingly.

Investigation and report.

70. The public board of conciliation to whom any matters may be referred pursuant to the preceding section, shall have and exercise all the powers and functions of a public board of conciliation sitting for the settlement of an industrial dispute, except that they shall have no power to make an award, but they shall decide the question according to the merits and substantial justice of the case by a report which shall not be enforceable, but shall be forwarded to the Minister, and by him be laid before Parliament and made public in manner prescribed.

Report may be made instead of award.

71. In any case in which it shall appear to a board of conciliation having authority to make an award for the settlement of an industrial dispute that such a course is preferable, it shall be lawful for such board to refrain from making an award, and to decide the question according to the merits and substantial justice of the case by a report which shall not be enforceable, but shall be published as directed by the board or in manner prescribed.

Part XI.

Miscellaneous.

Half-yearly lists of unions.

72. Every half year, in the months of March and September, there shall be forwarded to the registrar a certified list of the unions constituting the association.

Half-yearly lists of members.

73. Every half year, in the same months, there shall be forwarded to the registrar a certified list of the members of every union.

Alterations of rules.

74. Certified copies of all alterations of the rules of any organisation shall forthwith, as such alterations are made, be forwarded to the registrar.

Penalty on non-compliance.

75. Every organisation making default in forwarding to the registrar any list or copy required to be forwarded by sections 71, 72, or 73, shall be guilty of an offence against this Act, punishable by a fine not exceeding two pounds for every day during which such default continues; and every member of the council or committee of any such organisation who wilfully permits such default shall be guilty of a similar offence, punishable by a fine not exceeding five shillings for every day during which he wilfully permits such default.

Matters may be decided by registrar.

76. The registrar, on the request of any person interested, shall investigate and decide in such manner as he shall think fit any matter relating to the rule or appeal, or alteration of the rules, or membership or cesser of membership of any organisation, and any certificate of the registrar dealing with any such question shall be conclusive evidence of the matter therein stated, unless such certificate shall be varied by a subsequent certificate of the registrar, in which case the subsequent certificate shall prevail.

Re-opening of matters decided by registrar.

77. The registrar shall only once re-open for the purpose of varying any matter which he shall have disposed of by a certificate, and then only with the previous written consent of the president.

President may review decision of registrar.

78. The president may review, rescind, annul, or vary any Act or decision of the registrar in any manner which he shall think fit, and if the president shall annul, rescind, or vary any such Act or decision he shall, within fourteen days thereafter, if Parliament be then sitting, or if Parliament be not then sitting, then within fourteen days after the first meeting of Parliament thereafter, lay before both Houses of Parliament a return showing the mode in which he has annulled, rescinded, or varied such Act or decisions and his reasons for such annulment, rescission, or variation.

Removals by Minister.

79. It shall be lawful for the Minister by any writing under his hand to remove from office any member of any board of conciliation who shall be proved to the satisfaction of the Minister to have misconducted himself in such office, or to be unfit to discharge the duties thereof, or to have refused, neglected, or delayed to discharge any such duties.

Proceedings of board not to be quashed.

80. No award or proceeding of any board of conciliation shall be liable to be challenged, appealed against, reviewed, quashed, or called in question by any court on any account whatsoever.

Regulations.

81. The Governor may make all such regulations not inconsistent with this Act, either applicable generally or to meet particular cases, as may be necessary or desirable to carry out the objects and purposes, or as he may consider convenient for the administration and execution thereof.

Publication of regulations.

82. All such regulations shall be published in the "Government Gazette," and within fourteen days after

the making thereof shall be laid before both Houses of Parliament if Parliament be then sitting, and if Parliament be not then sitting then within fourteen days after the beginning of the next session of Parliament, and shall have the force of law from the date of such publication.

Penalty on persuading to commission of offence.

83. Every person who shall persuade or endeavour to persuade any other person to commit an offence against this Act shall himself be guilty of an offence against this Act, punishable by the penalty attached to the first mentioned offence.

How organisations may sue.

84. Any organisation may sue or be sued for the purposes of this Act or otherwise in the name by which it is registered, and service of any process on the chairman or secretary, or at the registered office of the organisation, shall be sufficient for all purposes.

Rules may define default.

85. The rules of any association or any industrial agreement or award may fix and determine what shall constitute a default by an organisation within the meaning of this Act.

Summary jurisdiction.

86. Every proceeding for any offence against this Act may be had and taken before, and be heard and determined in a summary way by any special magistrate or two justices of the peace, under the provisions of an ordinance of the Governor and Legislative Council, No. 6 of 1850, intituled "An Ordinance to facilitate the "performance of the duties of Justices of the Peace out "of sessions with respect to Summary Convictions "and Orders," or of any Act now in force or hereafter to be in force, relating to the duties of justices of the peace with respect to summary convictions and orders, and all convictions and orders made by such magistrate or justices may be enforced as in the said ordinance or in any other Act as aforesaid is or shall be provided.

Appeals.

87. There shall be an appeal to the Local Court of Adelaide of full jurisdiction only from every conviction by any special magistrate or justices for any offence against this Act, and from every order dismissing any information or complaint, or from any other order made by such magistrate or justices under this Act; and the proceedings on such appeal shall be conducted in manner appointed by the said Ordinance, No. 6 of 1850, for appeals to local courts, or any Act to be hereafter in force regulating such appeals; but the Local Court of Adelaide aforesaid shall have power to make such order as to the payment of the costs of the appeal as it shall think fit, although such costs may exceed ten pounds.

Schedules.

Schedule A.

Conciliation Act, 1891.

The [*here insert name of union or association*] industrial union (*or* association) is registered as an industrial union (*or* association), pursuant to the above Act.

Dated this day of , 18 .

A.B., Industrial Registrar.

Schedule B.

Conciliation Act, 1891.

The registration of [*here insert name of union or association*] industrial union (*or* association) as an industrial union (*or* association), pursuant to the above Act, is hereby cancelled.

Dated this day of , 18 .

A.B., Industrial Registrar.

A Bill, for an Act to facilitate Conciliation and encourage Co-operation in Industrial Affairs.

Preamble.

Whereas it is desirable to facilitate conciliation and encourage co-operation in industrial affairs—Be it therefore enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows:

Short title.

1. This Act may be cited for all purposes as the "Conciliation and Co-operation Act, 1892."

Commencement.

2. This Act shall come into force on the first day of January, one thousand eight hundred and ninety-three.

Interpretation.

3. In the construction of this Act the following words have the following meanings, that is to say:—

"Co-operation" means any system or business arrangement whereby the employés engaged in any industry, or an appreciable portion of such employés, shall receive, in addition to their salary or wages, some pecuniary advantage, prospective or immediate, to be paid out of the net profits of such industry:

"Industry" means any avocation, business, trade, undertaking, calling, or employment:

"Labour disputes" means all disputes relating to pay, wages, hours, privileges, rights, or duties of employers or employés in any industry.

Board of Conciliation.

Board.

4. There shall be a Board of Conciliation, consisting of three members, to be appointed from time to time by the Governor.

Tenure of office.

5. Every member of the Board shall hold office for three years, but may be re-appointed.

Remuneration.

6. Every member shall be remunerated for his services in a manner and according to a scale of payment to be fixed and provided for by Parliament: Provided always that the remuneration shall not exceed per annum for any member.

Duties.

7. The duties of the Board shall be as follows:—

(*a*) To promote amicable methods of settling labour disputes and the prevention of strikes and lock-outs generally, and also especially in the following methods:—

(1) The Board shall, in the first instance, invite both parties to the dispute to a friendly conference with each other. The members of the Board can be present at this conference or otherwise, at the pleasure of the disputants:

(2) In the event of the disputants not being able to arrive at a settlement between themselves they shall be invited to lay their respective cases before the Board, with a view to receiving their advice or assistance. Or, should the disputants prefer it, the Board shall assist them in selecting arbitrators to whom the question at issue shall be referred for decision:

(3) The utmost efforts of the Board shall, in the meantime and in all cases, be exerted to prevent, if possible, the occurrence or continuance of a strike, lock-out, intimidation, violence, irritating or dictatorial language, or other conduct or language likely to cause ill feeling:

(4) The Board shall obtain and lay before the disputants any reliable and authentic information which bears on the question of dispute, and which may appear likely to bring about a settlement.

Board may call in experts.

8. The board may call to its aid, in any particular dispute requiring special or technical knowledge to understand, experts to assist it in endeavouring to settle such dispute.

Not to act as arbitrators if it can be avoided.

9. The Board shall not act as arbitrators between the parties except at the express desire of both disputants, to be signified in writing; but shall, in preference, induce the disputants to agree to the appointment of other arbitrators, should they desire to refer the matter to arbitration.

Votes.

10. In all matters coming before the Board the decision of the board shall be determined by a majority of the votes of the members.

Board not called upon to act in unimportant disputes.

11. It shall not be obligatory on the board to act in any dispute in any case in which the workmen or employés affected are less than ten (10), but it may act in any case on the written request of both disputants.

No person not interested in dispute shall appear before Board.

12. No person not a party to or directly interested in the dispute shall appear before or be heard by the Board, and especially no counsel, solicitor, or member of Parliament shall so appear or be heard unless he is a party or interested as aforesaid.

Witnesses.

13. The Board shall have the power of requiring and compelling the attendance and examination of witnesses, the production of documents, and the obtaining of any information it may require.

Inspection.

14. It shall be lawful for any member of the Board, without any other warrant than this Act, at any time, between sunrise and sunset, to enter upon any mann-

factory, building, workshop, factory, mine, shed, or premises where or in respect of which any work is being or has been done which is the subject matter of any labour dispute, and to inspect any work, material, machinery, matter, or thing therein.

Co-operation.

Power given to corporations, companies, or partnerships to establish co-operation.

15. Notwithstanding the want of express powers or words to the contrary effect in any charter, deed of settlement, memorandum of association, or other document incorporating, forming, or regulating any corporation, association, or company, or in any deed or articles of partnership, or other document forming or regulating any partnership, any corporation, association, company, or partnership may establish and regulate any system of co-operation.

How powers to be exercised.

16. The powers given in the last preceding section may be exercised in the manner and subject to the provisions regulating the exercise of the ordinary powers given to the corporation, association, company, or partnership by its charter, deed of settlement, memorandum of association, deed or articles of partnership, or other document as aforesaid, or contained therein: Provided always that the sanction of a general meeting of the members of any corporation or company shall be first obtained.

Miscellaneous.

Form of summons.

17. A summons to a witness will be signed by two members of the Board; otherwise the form of summons and scale of payment to witnesses shall as nearly as possible be the same as if the summons had issued out of a local court.

Offences against Act punishable by fine.

18. Any person who shall refuse to attend or to be examined as a witness or to produce documents, or who shall hinder or obstruct any member of the Board in the exercise of any of the powers conferred on him by the Act, or who shall otherwise offend against, disregard, or neglect any of the provisions of this Act, shall be guilty of an offence against this Act, punishable by a fine not exceeding twenty pounds.

Expenses of administering Act.

19. All expenses connected with the administration of this Act shall be defrayed from such annual appropriations as Parliament shall make in that behalf.

Summary jurisdiction.

20. Every proceeding for any offence against this Act may be had and taken before, and be heard and determined in a summary way by, any special magistrate or two justices of the Peace, under the provisions of an Ordinance of the Governor and Legislative Council, No. 6 of 1850, intituled "An Ordinance to facilitate the performance of the duties of Justices of the Peace out of sessions with respect to Summary Convictions and Orders," or of any Act now in force or hereafter to be in force relating to the duties of Justices of the Peace with respect to summary convictions and orders; and all convictions and orders made by such magistrate or justices may be enforced as in the said Ordinance or in any other Act as aforesaid is or shall be provided.

Appeals.

21. There shall be an appeal to the Local Court of Adelaide of full jurisdiction only from every conviction by any special magistrate or justices for any offence against this Act, and from every order dismissing any information or complaint, and the proceedings on such appeal shall be conducted in manner appointed by the said Ordinance, No. 6 of 1850, for appeals to Local Courts, or any Act to be hereafter in force regulating such appeals; but the Local Court of Adelaide aforesaid shall have power to make such order as to the payment of the costs of the appeal as it shall think fit, although such costs may exceed ten pounds.

IV.—Conciliation, New Zealand.

Hon. Mr. Reeves.

Industrial Conciliation.

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Title. A Bill intituled an Act to encourage the formation of industrial unions and associations, and to facilitate the settlement of industrial disputes.

Preamble. Whereas it is desirable to provide for adjustment of labour disputes and for the settlement of differences between employers and employed:

Be it therefore enacted by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short title. Commencement. 1. The short title of this Act is "The Industrial Conciliation Act, 1891." It shall come into force on the first day of October, one thousand eight hundred and ninety-one.

Act not to affect "Trade Union Act, 1878." 2. Nothing in this Act contained shall be construed to repeal or in any way affect or supersede any provisions of "The Trade Union Act, 1878."

Interpretation. 3. In this Act, unless the context otherwise requires,—

"Association" means any association of unions registered pursuant to this Act:

"Certified" means certified in manner prescribed:

"Committee" means the committee of any union:

"Council" means the council of any association:

"Court" means a court of arbitration constituted under this Act, and, where a particular court is referred to, means the court for the provincial district wherein any matter in dispute arises:

"Industrial agreement" means an industrial agreement made pursuant to this Act:

"Industrial award" means an industrial award made pursuant to this Act:

"Industrial dispute" means any dispute arising between employers and employés in relation to industrial matters as herein defined:

"Industrial matters" includes all matters relating to pay, wages, hours of employment, sex or age of employés, the employment of children or young persons, dismissals, refusals to employ any particular persons or class of persons, nature of work, privileges, rights, or duties of employers or employés in any industry:

"Industry" means any business, trade, undertaking, calling, or employment of an industrial character:

"Minister" means the Colonial Secretary:

"Person" includes every person, company, and corporate body:

"Prescribed" means prescribed by regulations made pursuant to this Act:

"President" means the president of any court of arbitration constituted under this Act:

"Public notice" means a notice by advertisement published in the Government "Gazette":

"Registrar" means the Registrar of Friendly Societies:

"Secretary" means secretary of a union:

"Supreme Court office" means the Supreme Court office in the judicial district wherein any matter arises; and where there are two such offices it means that one of such offices which is nearest to the place or locality wherein any such matter arises:

"Union" means an industrial union registered pursuant to this Act.

Words in this Act referring to any court, person, officer, office, place, locality, union, association, or other matter or thing shall be construed distributively as referring to each court, person, officer, office, place, locality, union, association, or matter or thing to whom or to which the provision is applicable.

Part I.

Registration of Unions.

Applications for registration. 4. Any number of persons residing within the Colony lawfully associated for the purpose of protecting or furthering the interests of employers or employés in or in connexion with any industry in the Colony may register their society as an industrial union pursuant to this Act in manner prescribed, and in compliance with the following requisites:—

(1.) An application for registration shall be forwarded to the registrar signed by two or more officers of the society.

(2.) Such application shall be accompanied by a statement of the name by which it is desired that the union shall be registered, and by a copy of the rules by which it is desired that the affairs of the union shall be regulated.

Rules. (3.) Such rules shall specify the purposes for which the union is formed, and shall provide for—

(*a.*) The appointment and continuance of a committee of management and a chairman and secretary, and the supplying any vacancy occurring through any cause prescribed by the rules, or by death or resignation;

(*b.*) The powers of the committee, and the control of the committee by general meetings, and the mode of the exercise of the powers of the committee, and of the control of general meetings, and the mode in which industrial agreements and any other deeds or documents respectively shall be made and by whom executed on behalf of the union:

(*c.*) The mode in which persons shall become or cease to be members, and so that no member shall discontinue his membership without giving at least three months' previous written notice to the secretary of intention so to do, nor until such member has paid all fees or other dues payable by him to the union under its rules:

(*d.*) The conduct of the business of the union at some convenient address to be specified, and to be called the registered office of the union.

The rules may also provide for any other matters not contrary to law desired by the persons making the application for registration, and the rules may provide for their repeal or alteration, but so that the requisites of subsection *three* of this section shall always be provided for.

Name. 5. There shall be inserted in the registered name of every industrial union the word employers or employés, according to whether such union shall be a union of employers or employés.

Registration. 6. On being satisfied that the provisions of section *four* in relation to an application for registration have been complied with, the registrar shall register the society, without fee, as an industrial union pursuant to the application, and shall issue a certificate of registry, which, unless proved to have been cancelled, shall be conclusive evidence of the fact of such registration and of the validity thereof.

Trade unions may be registered under this Act. 7. Any trade union registered under "The Trade Union Act, 1878," may be registered by the same name under this Act by making a formal application to the registrar for the purpose, without complying with the requirements of section *four* of this Act; and the registrar shall register such trade union accordingly, and issue a certificate of registration forthwith.

No unions to be registered by similar names. 8. No industrial union shall be registered under a name identical with that by which any other industrial union has been registered under this Act, or by which any trade union has been registered under "The Trade Union Act, 1878," or so nearly resembling any such name as to be likely to deceive the members or the public.

No trade union may make an industrial agreement under this Act unless such union is registered under this Act, notwithstanding its registration under "The Trade Union Act, 1878."

For the purposes of this Act, every branch of a trade union shall be considered a distinct union, and may be separately registered under this Act.

Effect of registration.

9. The effect of registration shall be to render the union, and all persons who may be members thereof at the time of registration, or who may thereafter become members thereof, subject to the jurisdiction hereby given to boards of conciliation and courts of arbitration respectively, and liable to all the provisions of this Act, and bound—

(*a.*) By the rules of the union during the continuance of the membership;

(*b.*) By all industrial agreements and industrial awards made by or affecting the union at any time during the membership.

Cancellation of registration.

10. Any union may at any time through the committee apply to the registrar in manner prescribed for a cancellation of the registration thereof, and the registrar, after giving six weeks' public notice of his intention so to do, may cancel such registration; but no registration shall be cancelled during the progress of any conciliation or arbitration affecting such union until the board or court has made its decision or award; nor in any case unless the registrar shall be satisfied that the cancellation is desired by a majority of the members of the union, and no cancellation of any registration shall relieve any union, or any member thereof, from the obligation of any industrial agreement or industrial award.

Enforcement of rules.

11. If any person whilst bound by the rules of any union shall in any particular make default in compliance therewith, he shall for every such default be guilty of an offence against this Act, punishable by a penalty not exceeding ten pounds, or such lesser sum as shall be fixed by the rules of the union.

Part II.

Registration of Associations.

Application for registration.

12. Any council representing any number of unions established within the Colony may register itself as an industrial association, pursuant to this Act in manner prescribed, and on compliance with the following requisites:—

(1.) An application for registration shall be forwarded to the registrar, signed by a majority of the members of such council.

(2.) Such application shall be accompanied by a statement of the name by which it is desired that the unions shall be associated, and by a copy of the rules by which it is desired that the affairs of the association shall be regulated.

Rules.

(3.) Such rules shall specify the purposes for which the association is formed, and shall provide for—

(*a.*) The appointment and continuance of council of management and chairman, secretary, or other officers; and the supplying any vacancy occurring through any cause prescribed by the rules, or by death or resignation:

(*b.*) The powers of the council, and the control of the council by general meetings, and the mode of the exercise of the powers of the council, and of the control of general meetings, and the mode in which industrial agreements and any other deeds or documents respectively shall be made and by whom executed on behalf of the association:

(*c.*) The mode in which unions shall become or cease to be members, but so that no union shall discontinue their membership without giving at least six months' previous written notice to the chairman of intention so to do, nor until such union has paid all fees or other dues payable by it to the association under the rules thereof:

(*d.*) The conduct of the business of the association at some convenient address to be specified, and to be called the registered office of the association.

The rules may also provide for any other matters not contrary to law desired by the persons making the application for registration, and the rules may provide for their repeal or alteration, but so that the requisites of subsection 3 of this section shall always be provided for.

Name.

13. There shall be inserted in the registered name of every industrial association the word employers or employés, according to whether such associations shall be a union of employers or employés.

Registration.

14. On being satisfied that the provisions of section 12 in relation to an application for registration have been complied with, the registrar shall register, without fee, the council representing the unions applying for association as an industrial association pursuant to their application; and shall issue a certificate of registry which, unless proved to have been cancelled, shall be conclusive evidence of the fact of such registration and of the validity thereof.

Effect of registration.

15. The effect of registration shall be to render the association and all unions and all persons who may be members thereof at the time of registration, or who may thereafter become members thereof, or of any associated union, subject to the jurisdiction hereby given to boards of conciliation and courts of arbitration respectively, and liable to all the provisions of this Act, and bound—

(*a.*) By the rules of the association during the continuance of the membership;

(*b.*) By all industrial agreements and industrial awards made or affecting the association at any time during the membership.

Withdrawal.

16. Any union desiring to withdraw from any association may, on compliance with the rules of the association relating to withdrawal, procure from the registrar a certificate of withdrawal.

Cancellation.

17. Any association may at any time, through the council, apply to the registrar in manner prescribed for a cancellation of the registration thereof, and the registrar, after giving six weeks' public notice of his intention so to do, may cancel such registration; but no registration shall be cancelled during the progress of any conciliation or arbitration affecting such association until the board or court has made its decision or award, nor in any case unless the registrar shall be satisfied that the cancellation is desired by a majority of the members of the associated unions; and no cancellation of any registration shall relieve any association or associated union, or any member thereof, from the obligation of any industrial agreement or industrial award.

Enforcement of rules.

18. If any union or person, whilst bound by the rules of any association, shall in any particular make default in compliance therewith, such union or person shall for every such default be guilty of an offence against this Act, punishable by a penalty, in the case of a union, not exceeding one hundred pounds, and in the case of an individual not exceeding ten pounds, or in either case such lesser sum as shall be fixed by the rules of the association.

Part III.

Industrial Agreements.

Industrial agreements.

19. Industrial agreements may be made between unions and associations, or between unions or associations and any other persons, regulating or in relation to industrial matters, or for the prevention or settlement of disputes and differences in any wise relating thereto, or for any other object or purpose for which any industrial agreement may be made under this Act.

Term and form.

20. Every industrial agreement shall be for a term to be specified therein, not exceeding five years from the date of the making thereof, and shall be in a form commencing as follows:—"This industrial agreement made "in pursuance of 'The Industrial Conciliation Act, "1891,' this day of , between," and the date of the making of such agreement shall be the date when such agreement shall be first executed by any party thereto, and such date and the names of all unions, associations, or persons parties to such agreement shall be truly stated therein.

Duplicate to be filed.

21. A duplicate of every industrial agreement shall be filed in the Supreme Court office of the district within 30 days of the making thereof, and a fee of five shillings shall be paid in respect of every agreement so filed.

Effect of industrial agreement.

22. Every industrial agreement duly made and executed shall be binding on the parties thereto and on every person who at any time during the term of such agreement is a member of any union or association party thereto, and on every person who in manner prescribed shall signify to the registrar of the Supreme Court where such agreement is filed concurrence therein, and all such persons shall be entitled to the benefit thereof.

Alteration of agreement.

23. Every industrial agreement may be varied, renewed, or cancelled by any subsequent industrial agreement made by the persons bound thereby, but so that no person shall be deprived of the benefit of any industrial agreement by any subsequent industrial agreement by which he shall not be bound.

Enforcement of agreement.

24. If any union or association or person bound by any industrial agreement shall in any particular make default in compliance therewith, or commit or suffer a breach thereof, such union or association or person shall for every such default or breach be guilty of an offence against this Act, punishable by a penalty not exceeding such amount as shall be fixed by such industrial agreement; and if no amount shall be so fixed, then in the case of a union or association not exceeding five hundred pounds, and in the case of an individual not exceeding fifty pounds.

Nothing herein contained shall deprive any person who may be damnified of his right of action for redress or compensation in respect of any default or breach of an agreement.

Rules may define a default.

25. The rules of any association or any industrial agreement or award may fix and determine what shall constitute a default or breach of an agreement by a union or association within the meaning of this Act.

Part IV.

Boards of Conciliation.

Boards of conciliation.

26. For the purpose of this Act, boards of conciliation shall be of two classes, as follows:—

(1.) Trade boards of conciliation for the settlement of disputes arising in relation to any one and the same industry; and

(2.) District boards of conciliation for the settlement of disputes arising in relation to several different industries.

Trade boards for industries.

27. Trade boards of conciliation shall be constituted by industrial agreement, and shall consist of any number of persons, one-half to be appointed respectively by the employers and the unions or union of employés engaged in the particular industry.

The persons so chosen shall, at their first meeting, elect one of their number to be chairman of the board, and any casual vacancy in the chairmanship shall be supplied in the same manner at some subsequent meeting. Every chairman shall hold office for so long as he continues a member of the board, unless he shall by letter addressed to the board sooner resign the chair.

Constitution by industrial agreement.

28. Any industrial agreement may provide for the constitution or alteration of a trade board, and the term of office of its members, and for supplying vacancies thereon, and for all matters necessary to give effect to the last preceding section.

Quorum.

29. The presence of the chairman and not less than one-half in number of the other members of a trade board of conciliation, shall be necessary to constitute a meeting, and in all questions the decision of the board shall be determined by a majority of their votes; and in case of equality of votes the chairman shall have a second or casting vote.

Decisions.

Jurisdiction of trade boards.

30. Every trade board of conciliation shall have such jurisdiction for the settlement of industrial disputes between the persons and unions bound by such industrial agreement as shall be confided to them by such agreement, and, except so far as shall be negatived or modified by such agreement, shall exercise such jurisdiction in such manner, and within the limits of such jurisdiction shall have the same powers and discretions as district boards of conciliation.

District boards for provincial districts.

31. District boards of conciliation may be constituted in manner prescribed within provincial districts and for all industries carried on therein, and shall have jurisdiction for the settlement of industrial disputes occurring in such districts, or referred to them by industrial agreement.

(1.) On the petition of any number of unions of employers and employés respectively, in a provincial district where no district board of conciliation exists, the Governor by warrant may direct a district board to be constituted for such district.

(2.) Every district board shall consist of persons chosen by the unions of employers and of employés respectively in the provincial district.

(3.) The members of the board shall hold office for three years, and shall be elected triennially in manner prescribed by the unions of employers and employés engaged in industries in the district, such unions separately voting for and electing an equal number of such members.

(4.) The persons so chosen shall, at their first meeting, elect some person, not being one of their number, to be chairman of the board, and any casual vacancy in the chairmanship shall be supplied in the same manner at some subsequent meeting. Every chairman shall hold office for three years from the date of his election, subject to section 33.

Quorum.

32. The presence of the chairman and of not less than one-half in number of the other members of a district board of conciliation shall be necessary to constitute a quorum.

Decision of questions.

In all matters coming before any district board of conciliation the decision of the board shall be determined by a majority of the votes of the members present, exclusive of the chairman, except in the case of an equality of such votes, in which case only the chairman shall vote, and his vote shall decide the question.

Disqualification.

33. The following persons shall be disqualified from being appointed or elected as members or chairmen of any trade or district board, and if so elected shall be incapable of continuing to be such members or chairmen:—

(1.) A bankrupt or insolvent who has not obtained his final order of discharge;

(2.) Any person convicted of perjury or any felony; or

(3.) Any person of unsound mind.

Casual vacancies.

Any casual vacancy occurring among the members of any board by death, disqualification, or resignation by letter addressed to the board, shall be supplied in the same manner as the original appointment or election was made, and the person so appointed or elected shall hold office in the board only for the residue of the term of his predecessor therein.

Procedure.

34. Every board of conciliation shall, in such manner as it shall think fit, carefully and expeditiously inquire into and investigate any industrial dispute of which it shall have cognisance, and all matters affecting the merits of such dispute or the right settlement thereof; and, for the purposes of any such inquiry, shall have all the powers of a board of commissioners appointed by the Governor in Council under "The Commissioners' Powers Act, 1867."

Boards may compel witnesses to attend, &c.

Settlement of dispute.

35. In the course of any such inquiry and investigation the board shall make all such suggestions and do all such things as shall appear to them as right and proper to be made or done for securing a fair and amicable settlement of the matters in dispute by agreement between the parties; and, if no such settlement shall be arrived at, shall decide the question according to the merits and substantial justice of the case, and make their recommendation or decision in writing, which shall be under the hand of the chairman of the board.

Reference to sub-committee or to court of arbitration.

36. In particular, but without limiting the general power given boards generally by the last-preceding section, any district board may—

(1.) Temporarily refer the matters in dispute to a committee of their number, consisting of an equal number of representatives of employers and employés, who shall endeavour to reconcile the parties; or

(2.) Absolutely refer any matter before them for settlement by the court of arbitration.

Power to continue member in office.

37. The Minister, by any writing under his hand, in the event of the period of office of the member of any district board expiring whilst such board shall be seized of any matters in dispute, may continue such member in office for any time not exceeding altogether one month, in order to enable such member to take part in the settlement of such matters in dispute.

Constitution of boards to be notified to Supreme Court.

38. The chairman of every trade or district board shall deposit in the supreme court office forthwith after his own election to the board a statutory declaration of his election and of the appointment of the members constituting the said board. For every such deposit there shall be paid to the Supreme Court a fee of two shillings and sixpence.

Existing boards of conciliation may come under Act.

39. Upon a resolution of the majority of any board of conciliation, or other board of a similar nature established at any time previous to the commencement of this Act, and upon the registration under this Act of all the unions represented by such board, and upon the chairman of the said board satisfying the Minister that the requirements of section 27 and 31 (whichever is applicable to the board) have been duly complied with in respect of the constitution of the board, the chairman of the said board may deposit in the supreme court office a statutory declaration of his election and of the appointment of the members constituting the said board; and thereupon such board shall be deemed to

be constituted under this Act, and subject to the provisions thereof.

Decision of boards subject to review by court of arbitration.

40. If any union or association is dissatisfied with the decision of any board of conciliation on any matter brought before such board under the provisions hereinbefore contained, such union or association may bring such matter before the court by petition, and such court shall have power and jurisdiction to review such decision, in the same manner as if the original question on which such decision was given had been initiated in the said court by industrial agreement.

Part V.

Courts of Arbitration.

Courts of arbitration established.

41. For every provincial district within the colony there shall be established a court for the purposes of this Act, which shall be called "the Court of Arbitration."

Constitution of courts.

42. The court for each provincial district shall be appointed by the Governor in Council. It shall consist of a president and two other members (herein called assessors).

Mode of appointment.

Of the assessors, one may be recommended to the Governor in Council by unions or associations representative of employers, and one by unions or associations representative of employés, within such provincial district; but no recommendation shall be received from any unions or associations in respect of the president of the court.

Tenure of office.

43. Every member of the court shall hold office for three years from the date of his appointment, and shall be eligible for reappointment, and any casual vacancy occurring in the membership by death, mental incapacity, bankruptcy, conviction for perjury or felony, resignation, or removal shall be supplied in the same manner as the original appointment was made.

The Governor may remove any member of the court from office, for any reason he shall think sufficient, or for continued absence from the meetings of the court.

Jurisdiction of courts.

44. The court of arbitration shall have jurisdiction for the settlement of all such industrial disputes as shall be referred to it by any board of conciliation, or by any industrial association, or by petitions under sections 40 or 59, or by way of compulsory arbitration pursuant to section 61, or by industrial agreement.

Fixing of time and place for settlement of dispute.

45. Within five days after any dispute has been referred to the court the president thereof shall fix a suitable time and place for the court to meet to hear and determine the dispute, and shall give at least forty-eight hours' written notice to the assessors of such time and place.

Procedure.

The court shall have full and exclusive jurisdiction to determine the matters in dispute, and it shall proceed to hear, consider, and determine such matters in such manner and time as it thinks fit, with full power to adjourn the consideration of any matter, wholly or in part, for any period, or without stating any period.

President to have power to administer oaths and affirmations.

46. The president shall have power to administer oaths and affirmations to all witnesses who shall appear before the said court, and all wilful false swearing or false affirmation in any proceedings in the court under this Act shall be deemed and held to be wilful perjury, and shall be indictable and punishable as such; and on any indictment it shall be sufficient to prove that the oath or affirmation was administered by the person acting as president aforesaid.

Powers of president.

47. For the purpose of enabling the court to carry out the provisions and intention of this Act, the president shall, in relation to the requiring and compelling the attendance of any person to appear before it, the requiring and compelling of the attendance of witnesses and the receiving or hearing of evidence, the punishment of contempt, and the enforcement of the orders of the court, be deemed to have and may exercise all the powers and duties of a resident magistrate under "The Resident Magistrates Act, 1867," and "The Resident Magistrates' Evidence Act, 1870"; and the provisions of the said Acts, *mutatis mutandis*, shall be applicable to all proceedings in courts of arbitration under this Act.

Voting at meetings of board.

48. The assessors shall sit along with the president, and the majority of the members of the court present may decide and finally determine the said matters or any of them in such manner as they shall find to stand with equity and good conscience.

Non-attendance at board meetings.

49. If either of the assessors shall neglect or fail to attend a meeting of the court without good cause shown to the satisfaction of the president, the assessor present and the president may nevertheless act as fully as if both the assessors were present.

Adjournment of meeting.

50. In the absence of the president any assessor may from time to time adjourn any meeting of the court to such time and place as he may deem proper.

Appearance of parties concerned.

51. Either party to the dispute may appear personally or by agent, or, with the consent of all the parties, by counsel or solicitor, and may produce before the court such witnesses, books, and documents as such party may think proper; and the president shall have power to summon any person to give evidence before the court, or to produce any books, papers, and documents before the court.

Witnesses.

The court shall be at liberty to receive or require any such evidence as it shall think fit, whether the same shall be strictly legal evidence or not.

Courts may refer matters for inquiry by any board of conciliation.

52. The court may refer any matters referred to them from time to time to a trade or district board of conciliation for investigation and report, where it shall think such board may arrive more easily at a settlement thereof, and the award of the court shall be based on the report of such board.

Court may dismiss frivolous matters with costs.

53. The court may at any time dismiss any matter referred to it which it shall think frivolous or trivial, and any award in such case shall be limited to an order upon the party bringing the matter before the court for payment of all costs of bringing the same.

Award.

54. After hearing evidence, the court shall make an award, in writing, stating the settlement of the dispute heard and determined, and such award shall be under the hand of the president.

Costs.

55. The court in its award may order either party to pay to the other party costs and expenses as it may deem reasonable, and the same or any other costs ordered by the court to be paid may be recovered as a debt by the party entitled thereto under the award of the court from the party liable therefor.

Validity of award.

56. In all legal and other proceedings it shall be sufficient to produce the award and prove the signature of the president, and it shall not be necessary to prove any conditions precedent entitling the court or president to make such award.

Proceeding of court under this Act not to be impeached.

57. Proceedings in any court of arbitration under this Act shall not be impeached or held bad for want of form, nor shall the same be removable to any court by *certiorari* or otherwise; and no award or proceeding of any court of arbitration shall be liable to be challenged, appealed against, reviewed, quashed, or called in question by any court on any account whatsoever.

No abatement.

No proceedings in any court shall abate by reason of the death of any member of the court or of any party to such proceedings, but the same may be continued and disposed of by the successor in office of such member or representative of the party so dying.

Part VI.

Government Railways.

Railway commissioners to be subject to jurisdiction of courts of arbitration.

58. The management of Government railways under "The Government Railways Act, 1887," shall be deemed to be an industry within the meaning of this Act; and, notwithstanding anything contained in the Act in this section first mentioned, the Railway Commissioners appointed thereunder may make an industrial agreement with the Amalgamated Society of Railway Servants, and either the said Commissioners or the said Society may refer any dispute between them to a court of arbitration established under Part V. of this Act; and the said Commissioners, notwithstanding as aforesaid, may give effect to any terms of an award made by such court.

The said society may be registered as a union under this Act; and the Commissioners shall be deemed to be employers within the meaning and for the purposes of this Act.

On petition court may compel commissioners to submit to arbitration.

59. In case the Commissioners shall neglect or refuse to agree with the said society to refer any matter in dispute to a court of arbitration as aforesaid, the society may petition the court within the provincial district where any dispute arises to hear and determine such dispute, and the court, upon such petition, shall issue a summons to the Commissioners requiring them to appear before such court, and to submit the matters

in dispute to the decision of the court, and may compel the attendance of the said Commissioners for such purpose.

Part VII.

Compulsory Arbitration.

Inquiry by Minister.

60. If any industrial dispute shall hereafter arise between any unions and associations, or between any employer and any union, the Minister may inquire into the nature and extent of such dispute, in such manner as he shall think fit, for the purpose of ascertaining whether or not it should be settled by compulsory arbitration.

Compulsory reference.

61. If after such inquiry the Minister shall certify to the Governor that the dispute is one which should be settled by means of compulsory arbitration, the Governor, by proclamation published in the "Government Gazette," may declare that all matters in dispute as aforesaid, to be mentioned in such proclamation, or any of such matters to be specified in such proclamation, shall be referred to a trade or district board of conciliation, or to a court of arbitration to be mentioned in such proclamation for settlement, and the same shall stand referred accordingly.

In every such case all the provisions of the parts of this Act respectively applicable to the proceedings before a board of conciliation or a court of arbitration shall extend and apply accordingly as fully as if the matter had been originally referred to such board or court under the foregoing provisions of this Act.

Part VIII.

Enforcements of Awards and Agreements.

Terms of awards.

62. Every award of a court shall specify the unions, associations, and persons on which it is intended that it shall be binding, and the period, not exceeding five years from the making thereof, during which its provisions may be enforced.

Court may order duplicate to be filed.

63. A court may order that a duplicate of any award shall be filed in the office of the Supreme Court, and, by leave of that court or a judge thereof, such award may be enforced in the same manner as a judgment or order of the Supreme Court to the same effect, and such court or judge shall have full power to make such orders and give such directions as may be necessary to give effect to this enactment.

Thereafter, during the period within which its provisions may be enforced, such award shall be binding upon all unions, associations, and persons upon which it shall be declared that it shall be binding, and upon all members of such unions and associations.

Limitation of liability under award.

64 No process shall be issued for the enforcement of any such award by a payment from any union, association, or person of a greater sum than five hundred pounds, or from any individual on account of his membership of a union or association of any greater sum than ten pounds.

Process against property of unions or associations.

65. For the purpose of enforcing compliance with any such award and subsisting order or direction of the Supreme Court, or a judge thereof, process may be issued and executed against the property of any union or association, or in which any union or association shall have any beneficial interest, and whether vested in trustees or howsoever otherwise the same may be held, in the same manner as if such union or association was an incorporated company and the absolute owner of such property or interest.

Application of moneys received under process.

66. All moneys which shall be received by virtue of any process for enforcing compliance with any award shall be applied in such manner as the award may direct, and, in default of or subject to any such direction, in such manner as the president of the court of arbitration in the provincial district may decide, for the benefit of those interested in the performance of the award.

Enforcement of award.

67. Any person wilfully making default in compliance with any award, unless such award shall otherwise direct, shall be guilty of an offence against this Act, punishable on summary conviction by a penalty not exceeding twenty pounds.

Provision for enforcement of awards to apply.

68. All provisions herein-before in this part of this Act contained with reference to the enforcement of awards shall apply to the enforcement of industrial agreements and of penalties thereunder in like manner as if agreements had been mentioned in such provisions whenever awards are referred to.

Part IX.

Miscellaneous.

Half-yearly lists of associations.

69. Every half-year, in the months of April and October, there shall be forwarded to the registrar by every association a certified list of the unions constituting such association.

Half-yearly lists of unions.

70. Every half year, in the same months, there shall be forwarded to the registrar by every union a certified list of the members of such union.

Alterations of rules.

71. Certified copies of all alterations of the rules of any union or association shall forthwith as such alterations are made be forwarded to the registrar.

Penalty on non-compliance.

72. Every association or union making default in forwarding to the registrar any list or copy required to be forwarded by either of the three last preceding sections shall be guilty of an offence against this Act, punishable by a penalty not exceeding two pounds for every day during which such default continues; and every member of the council of any such association or committee of any such union who wilfully permits such default shall be guilty of a similar offence, punishable by a penalty not exceeding five shillings for every day during which he wilfully permits such default.

Matters may be decided by registrar.

73. The registrar, on the request of any person interested, shall investigate and decide in such manner as he shall think fit any matter relating to the rules, or repeal or alteration of the rules, or any membership or cesser of membership of any union or association, and a certificate of the registrar dealing with any such question shall be conclusive evidence of the matter therein stated, unless such certificate shall be varied by a subsequent certificate of the registrar, in which case the subsequent certificate shall prevail.

Re-opening of matters decided by registrar.

74. The registrar shall only once re-open, for the purpose of varying, any matter which he shall have disposed of by a certificate, and then only with the previous written consent of the Minister.

Minister may review decision of registrar.

75. The Minister may review, annul, rescind, or vary any act or decision of the registrar in any manner which he shall think fit, and if the Minister shall annul, rescind, or vary any such act or decision he shall, within fourteen days thereafter, if Parliament be then sitting, or if Parliament be not then sitting, then within fourteen days after the first meeting of Parliament thereafter, lay before both Houses of Parliament a return showing the mode in which he has annulled, rescinded, or varied such act or decision, and his reasons for such annulment, rescission, or variation.

Regulations.

76. The Governor from time to time may make all such rules or regulations not inconsistent with this Act either applicable generally, or to meet particular cases, as may be necessary or desirable to carry out the objects and purposes, or as he may consider convenient for the administration and execution thereof, or for establishing district boards of conciliation; and by any such regulations may prescribe such fees to be paid (including fees to presidents and assessors of courts of arbitration, and by whom the same shall be paid) in relation to such administration as he shall think fit.

Nothing herein shall supersede any fees for the time being in force in the Supreme Court in relation to any proceedings or filing documents therein, otherwise than as is herein expressly provided.

Publication of regulations.

All such regulations shall be published in the "Government Gazette," and within fourteen days after the making thereof shall be laid before both Houses of Parliament, if Parliament be then sitting, and if Parliament be not then sitting, then within fourteen days after the beginning of the next session of Parliament, and shall have the force of law from the date of such publication.

How unions or associations may sue.

77. Any union or association may sue or be sued for the purposes of this Act or otherwise in the name by which it is registered, and service of any process on the chairman or secretary, or at the registered office of the union or association shall be sufficient for all purposes.

Summary jurisdiction.

78. Every proceeding for any offence against this Act, not being an indictable offence, may be had and taken before and be heard and determined in a summary way by any resident magistrate or two justices of the peace under the provisions of "The Justices of the Peace Act, 1882."

Application of penalties.

79. All penalties recovered under sections 11 and 18 shall, after deducting therefrom all costs and expenses of recovering the same, be paid to the union or association in respect of which the default arose for

which the penalty was inflicted; and all other penalties recovered under this Act shall be paid into the Public Account and form part of the Consolidated Fund.

APPENDIX C.

BOOKS AND PAMPHLETS BEARING ON LABOUR QUESTIONS IN AUSTRALIA AND NEW ZEALAND NOW IN THE LIBRARY OF THE ROYAL COMMISSION ON LABOUR.

I.—GENERAL.

1. Problems of Greater Britain, by Sir Charles Dilke.
2. Royal Colonial Institute:
   Proceedings, vol. xxii., 1890–1.
   Monthly Journal, Jan.–Dec., 1892, Jan.–Mar., 1893.
3. Imperial Institute Year-Book, 1892.
4. Australasia. Correspondence relating to Chinese Immigration into the Australasian Colonies, with a return of Acts passed by the Legislatures of those Colonies and of Canada and British Columbia on the subject, 1888.
5. Australian Pastoralists' Review, June, 1891.
6. Report of Second Inter-colonial Trades Union Congress, 1884.
7. Combined Circular for Canada, Australasia, and South Africa, issued by the Emigrants' Information Office, July 1892.
8. Return showing Hours of Adult Labour in the Colonies.
9. Use and Abuse of Trades Unionism. (Pamphlet.)

II.—VICTORIA.

1. Royal Commission on Employés in Shops, 1882. (Progress Report, Second Progress Report, Report, and Final Report with Minutes of Evidence, Appendix, &c.)
2. Report on the Employment of Barmaids, 1884.
3. Report on the operation of the Victorian Factory Act, 1874 (with Minutes of Evidence, Appendix, &c).
4. Reports of the Chief Inspector of Factories, Workrooms, and Shops, 1887–1891.
5. Report of the Chief Inspector of Factories on the Sweating System in connexion with the Clothing Trade, Victoria, 1890.
6. Victorian Year-Book, 1890–1 (2 vols.).
7. Fifth Annual Report of the Proceedings of the Government Statist in connexion with Trade Unions for 1890 (with Appendix).
8. Annual Report of the Secretary of Mines, 1890.
9. Relations of Capital and Labour. (A pamphlet issued by the Melbourne Chamber of Commerce.)
10. Constitution of the Board of Conciliation for the Colony of Victoria.
11. Sixth Annual Report of the Victorian Employers' Union, 1891.
12. Report of the Conference of the Employers' Unions held at Melbourne, 6th Nov. 1889.
13. Victorian Employers' Union. Report of the Special Committee to consider the Employers' Liability Bill, 1885.
14. Victorian Employers' Union. President's Address, March 10th, 1887.
15. General Conference of the Iron Trades of Victoria. Report of Proceedings, September 1891.
16. A Voice for "Peace with Honour," by a citizen, 1890.
17. Trades Unions: Labour Strikes and their Remedies, by C. O. Montrose, Melbourne, 1886.
18. Manifesto of the Amalgamated Shearers' Union of Australia. Creswick, 1890.
19. Rules of the Pastoralists' Association of Victoria.
20. Act to consolidate Laws relating to Trade Unions, 1890.
21. Act to consolidate Laws relating to Supervision of Shops and Factories.

III.—NEW SOUTH WALES.

1. Royal Commission on Strikes. (Report 1891, Précis of Evidence, Appendices, and Index.)
2. Strikes and their Cure. (A pamphlet issued by the New South Wales Employers' Union, Sydney, 1888.)
3. The Pastoralists' Federal Council of Australia. Official Statement, Sydney, 1891.
4. Rules of the Pastoralists' Union of New South Wales.
5. The Labour Question. Address by B. R. Wise.
6. Sydney Quarterly, September 1891. Article on "What Parliament can do for Labour," by B. R. Wise.
7. Reports of Government Statistician concerning Census and Industrial Returns Act for 1891, 1892.
8. Conciliation and Arbitration Act, 1892. (Text and Regulations.)
9. Parliamentary Debates. Session 1891–2.
10. Ethics of New Unionism. W. G. Spence.
11. Annual Report of Railway Commissioners, 1891.
12. Act to repeal the Chinese Immigration Act of 1881, and to provide for the Protection of the Colony from disturbances, and the National dangers of Chinese Immigration.

IV.—QUEENSLAND.

1. Strike of Shearers and Bush-workers. Report by W. Allan, President of the United Pastoralists' Association for presentation to the Royal Commission on Labour, 1891 (two copies).
2. Rules of the United Pastoralists' Association.
3. The Immigrant Agent's Reports for the years 1886, 1887, 1888, 1889, and 1890 (two copies).
4. Shops, Factories, and Workshops. Royal Commission of Inquiry, 1891 (three copies).
5. Circular Memorandum from Immigration Office (two copies).
6. Return showing the condition of the Labour Market (two copies).
7. Circular Memorandum from Immigration Office to the Clerk of the Petty Sessions (two copies).
8. Bill to amend Chinese Immigration Restriction Act, 1888.
9. Act for further Restriction of Chinese Immigration, 1890.
10. Imperial and Colonial Acts relating to the Recruiting of Pacific Island Labourers.
11. Trade Union Act.
12. Memorandum from the Solicitor-General on the prosecution of the Shearers' Strike Committee, 1891.

V.—SOUTH AUSTRALIA.

1. Report of Shops and Factories Commission. South Australia, 1892 (two copies).
2. Rules of Working Women's Trade Unions. South Australia, 1890.
3. Rules of Federated Seamen's Union. South Australia, 1890.
4. Rules of Saw Mills and Timber Yard Workers. South Australia, 1890.
5. Rules of Masons and Bricklayers' Union. South Australia, 1883.
6. Rules of Dry Creek Smelters' Association and Accident Fund.
7. Rules of Adelaide, Suburban, and Port Road Drivers' Association.
8. Rules of Retail Assistants' Union, Adelaide.
9. Rules of Amalgamated Eight Hours' Celebration Union.
10. Rules of Railway and Tramway Service Union.
11. Rules of Typographical Society.
12. Rules of United Trades and Labour Council of South Australia.
13. Rules of Operative Journeymen Bakers' Society.
14. Rules of Port Adelaide Working Men's Association, 1881.
15. Rules of General Labourers' Union.
16. Rules of Operative Boot Makers' Union, 1887.
17. Rules of Pastoralists' Union. South Australia.
18. Report and Balance Sheet of United Trades and Labour Council of South Australia, 1890, 1891, 1892.
19. South Australian Waterside Strike Fund. Balance Sheet.
20. Scheme of Federation.
21. Reform, Land, Education, Trades Unions. (Pamphlet by W. H. Bundey, Judge of the Supreme Court of South Australia.) Adelaide, 1889.
22. Lecture on Direct Representation of Labour in Parliament. W. A. Robinson.
23. The Rights of Labour and How to obtain them.
24. Lecture on New Unionism. Charleston, 1890.
25. Act to amend Chinese Immigration Restriction Act, 1888. Assented to, 1889.
26. Act further to amend Chinese Immigration Restriction Act, 1888. Assented to, 1890.
27. Act to continue Chinese Immigration Restriction Act, 1888. Assented to, 1891.

28. Coolie Labour for Northern Territory, 1882.
29. Acts of the Parliament of South Australia, 1888.

VI.—Western Australia.

1. An Act for Registration of Chinese Immigration, 1889.
2. Report of Census. April 1891.

VII.—New Zealand.

1. Labour Conference. Report of Proceedings, 1890, and Report, 1891.
2. Grey Valley Coal Mines Commission. Report with Minutes of Proceedings, Evidence, and Appendix, 1891.
3. Statistics of the Colony of New Zealand, 1889, with Abstracts from the Agricultural Statistics of 1890.
4. Statistics of the Colony of New Zealand, 1890, Part III., Trade and Interchange.
5. Sweating Commission, Report 1890 (2 copies).
6. Return of the Expenses of the Sweating Commission, 1890.
7. Report of the Royal Commission appointed to inquire into the working of the "Employment of Females Acts," 1878.
8. Immigration. Reports of Mr. C. Holloway to the Agricultural Labourers' Union, 1875.
9. List of Public Works on which Unemployed are engaged, 1889.
10. Legislative Council, 1887. Return of works on which Unemployed were engaged.
11. Memorandum relative to the Numbers of Unemployed who have applied for work, 1884
12. Returns showing Number of Men employed upon Relief Works, 1889, 1890.
13. Thirteenth Annual Report by the Registrar of Friendly Societies, 1890.
14. Petition of Railway Employés, 1882.
15. Railway Employés. Correspondence concerning Conditions of Employment, 1890.
16. Correspondence relating to the Labour Dispute on the West Coast of Middle Island, 1890.
17. Industrial Conciliation Bill, 1892.
18. New Zealand Factories Act, 1891.
19. Report of New Zealand Bureau of Industries, 1892 (two copies).
20. Statement concerning New Zealand Bureau of Industries, 1892 (four copies).
21. Copies of three Speeches delivered by Mr. Fisher in the House of Representatives, dated 29th June, July 7th and 27th, 1892.
22. An Act to amend "Chinese Immigrants Act, 1891."
23. Chinese Immigrants Act Amendment Act Continuance, 1889.
24. Truck Act. New Zealand.
25. Report on the Sweating System in Dunedin, January 1889.
26. Rules of Tailoresses' Union, New Zealand.
27. New Zealand Journal of Insurance, Mining, and Finance.
28. The Factories Act Amendment Act, 1892.
29. The Shops and Shop Assistants Act, 1892.
30. The Contractors' and Workmens' Lien Act, 1892.
31. The Employers' Liability Act Amendment Act, 1892.
32. The Mining Act Amendment Act, 1892.
33. The Aliens Act Amendment Act, 1892.
34. The Industrial and Provident Societies Act, 1877.
35. The Friendly Societies Act, 1882, Amendment Act, 1892.
36. The Trade Union Act, 1878.
37. The Dairy Industry Act, 1892.
38. Farming and Labour in New Zealand, by Westby Brook Perceval, Agent General for New Zealand.

REPORT ON THE LABOUR QUESTION IN CAPE COLONY AND NATAL.

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REPORT ON THE LABOUR QUESTION IN CAPE COLONY AND NATAL.

A.—Special Characteristic of the Labour Question in South Africa.

Industrial problems in South Africa are of a very different character from those which have arisen in Western Europe or in Australia. This is due to the employment of a large amount of black or native labourers, who cannot work under the same conditions as Europeans, but must usually be treated more or less as children.

Further, labour in many parts of Cape Colony is scarce, instead of being over-plentiful, as in Europe and Australia, so that the problem to be solved is often, not how to provide work, but how to procure workmen. On the other hand, the inhabitants of Cape Colony resemble those of Australia in appealing to the State to interfere whenever the condition of labour in any district appears unsatisfactory.(1)

1. Demand for labour.

In most parts of British South Africa there is a demand for the labour of skilled artizans; wages are therefore high, and employés are able to maintain a good position. So far they have scarcely formed unions, because they have had no struggle to defend their interests against those of their employers.

Unskilled manual work is almost entirely performed by natives, and there is a constant demand for their labour. This demand is met by the "Cape Boys" (*i.e.*, natives already resident in the colony), Kaffirs, or natives from Delagoa Bay, Mozambique, or India, who are induced to come to the Cape and Natal to work for a fixed period, and who do so in order to procure money to buy cattle or a wife.(2)

2. Preference for native labour.

Employers will not, as a rule, engage Europeans to do work which can be performed by natives, as the latter accept more wages and are more easily controlled. Natives are almost always provided with food and dwellings on the farms. Those who work at the diamond mines are kept in "compounds," from which they are only allowed to go out when the term of their service expires; their employers supply stores, where they can buy all the necessaries of life.

The only Europeans for whom employment is not readily found at the Cape are clerks and shopkeepers, or men who have learnt no trade or profession, and cannot afford to acquire land. Many of these hope to secure work in the diamond or gold mines, but this occupation has now become skilled, and they are often disappointed.(3)

3. State regulation labour.

The resident magistrate is the final authority in all disputes which arise between an employer and his servants or workpeople, and the details of labour contracts are carefully regulated by law. This is the more necessary as the introduction of half-civilised natives into Cape Colony and Natal has frequently resulted in their complete demoralisation. They are entirely deficient in self control, and are easily led into excesses, especially when supplied by storekeepers with unlimited drink. To prevent the disorder and inconvenience to employers resulting from excesses which render their employés incapable of working for days together, it has been proposed to prohibit the sale of intoxicating drinks to natives; but without adopting so stringent a measure, and confounding civilised property-holders with "raw" natives, much may be done by conferring special powers upon magistrates, and maintaining a semi-paternal relationship between the authorities and the native labourers.(4)

B.—Legislation.

1. Regulation of labour contracts in Cape Colony.

The relations between employers and employed have consequently been the subject of frequent legislation at the Cape. In 1856, previous Acts dealing with the labour contract were repealed, and a new law passed, of which the following are the chief provisions:— *a.* Masters and Servants Act. 1856.

1. *No contract entered into without the colony is* binding within the colony unless it be in writing, or unless satisfactory proof of it can be given before a magistrate.
2. Where the time is not specified, a contract is binding for only one month.
3. An oral contract is not binding for more than one year.
4. A written contract is not binding for more than one year, unless signed in the presence of a magistrate.
5. No contract is binding for more than five years.
6. When a servant is hired to reside on the premises, food and lodging is to be supplied unless otherwise stipulated.
7. If the wages to be paid are not specified in the contract, the magistrate is to fix them according to the current rate.
8. In the case of sickness a master is to provide for his servant during one month exactly as if he were still working. If he continues incapable for two months, the contract may be considered at an end; during the second month, only food and lodging, as provided for in the contract, need be supplied; no wages need be paid.

   For an employé engaged to work at any trade or handicraft, only food and lodging, according to the contract, are to be provided during sickness.
9. A contract is to determine one month after the death or insolvency of the master.
10. If an employé or apprentice dies, his legal representatives may claim his wages.
11. If an employer moves any greater distance than two miles from the place where he engaged an employé to work for him, the latter may consider the agreement at an end, unless special stipulations have been made to the contrary, or unless the employé shall have performed work at the new residence or place of trade or business of the master.
12. The resident magistrate has jurisdiction for all cases arising between masters and servants in his district.
13. Wages, or articles stipulated for in the contract, can be recovered by civil action. Process on behalf of a poor servant is to be issued and executed at the public charge.
14. In the case of an appeal, it is the duty of the Attorney-General, when the matter is brought before the Supreme Court, and of the Clerk of the Peace, when the matter is brought before a circuit court, to conduct the case for the employé free of cost.
15. Any person endeavouring by threats or violence to force another to depart from his work, or to refrain from accepting work, or to belong to any club or association, or who shall endeavour to force any employer to increase or limit the number of his employés, is to be imprisoned, with or without hard labour, for any period not exceeding three months.

This clause is not to be construed to the detriment of persons meeting together to determine what wages they shall demand for their services, or what wages they shall pay to their employés.(5)

b. Petition for its amendment, 1891.

In 1891 a petition was presented to the House of Assembly by the agriculturists of Malmesbury and other districts asking for an amendment of the laws relating to masters and servants. They stated that farm labourers, especially the coloured races, were in the habit of obtaining money from employers under a promise of performing work at stipulated times, which promise was not fulfilled, as their services were claimed by another farmer to whom they were previously engaged.

By the Act of 1873, a contract is not valid unless it is stipulated to begin not later than one month from

(1) Report of Select Committee on Trade and Business, Griqualand West, 1891, p. xiv., pp. 253, 343. Appendix to Report of Select Committee on Labour Question, Cape Colony, 1890, pp. 1 and 11.

(2) Circular from Emigrants' Information Office, Minute from Ministers of Cape Colony to His Excellency, the Governor, dated February 22nd, 1892. Report of Select Committee on Trade and Business, Griqualand West, 1891, p. 344. Report of Select Committee on Labour Question, Cape Colony, 1892, pp. 7, 9.

(3) Report of Select Committee on Trade and Business, Griqualand West, 1891, p. 433. Circular from Emigrants' Information Office.

(4) Report of Select Committee on Trade and Business, Griqualand West, 1891, pp. 15, 115. Report of Select Committee on Labour Question, Cape Colony, 1892, p. 67.

(5) Text of Masters and Servants Act, 1856.

the time of entering on the contract. The farmers state that they are obliged to make a contract beforehand with their men for ploughing and reaping, so as to be sure of them; but that they cannot fix a date, as they do not know when the rain will come to enable them to plough, or when the corn will be ripe. They advance money to the men whom they engage in order to secure the services, of which they are nevertheless deprived.

The petitioners suggested as a remedy that no one should be allowed to engage any servant or labourer, unless the latter could produce a certificate from his late master or some other fit person, proving him to be free from obligation of service to any other employer. It was further proposed that all labourers should be regularly engaged by written contract, and that a list of such contracts should be kept at the magistrates' court, which should show the wages paid to each employé. If all native servants were registered, none would be able to obtain employment without showing a good character.(1)

2. Regulation of labour contracts in Natal.

a. The bonus system.

It is customary in Natal for an employer engaging a servant to pay him a bonus. To ensure the fulfilment of the contract it was provided in 1871 that such bonuses should be paid to the magistrate before whom the contract was signed, and placed by him in the Government savings bank, to be handed over to the servant on the expiration of the term of service.(2)

b. Introduction of native labour.

In the country districts, labour is often scarce. Magistrates are therefore empowered by the same Act to receive applications from masters needing employés, and employés needing work, and to put the two in communication. When the resident magistrate reports a considerable deficiency of employés in any district, the Lieutenant-Governor is empowered to introduce natives from beyond the colony, and to provide for their return after at least one year's service; the applicant for labour must sign an undertaking to pay the expenses of the introduction of such workmen into the colony.

In some cases natives residing on the land of private owners engage to work themselves, or to supply labour, instead of paying rent. This gives room for disputes unless the amount of work to be done, and the terms on which it is to be done, are very carefully defined. Resident magistrates are empowered to attest such contracts, but where the employer is not careful to have this done, he must bear the burden of proving that the contractor understood the terms of the contract.

No one may introduce labourers from beyond the borders of the colony without a licence from the Lieutenant-Governor, but such licences are granted, free of charge, to suitable persons, who thus undertake the functions of labour agents. Any person contracting to supply labour is liable for damages in case of failure to carry out the contract. Verbal contracts to undertake service, or to supply labour, are not binding for longer than a year, and written contracts are not binding for longer than three years.(3)

In Pietermaritzburg and Durban the town councils have been empowered to appoint registries for natives and to enact byelaws for their control. All natives employed or seeking employment in these towns must be registered. Any person employing a native who has not received a registration ticket, is liable to a fine not exceeding 2*l*., or to seven days' imprisonment.(4)

3. Employers' Liability Act, Cape Colony.

In 1886 an "Employers' Liability Act" was passed for the Cape.

It enacts that whenever any personal injury is caused—

(1.) By any defect in the condition of the ways, works, or machinery used in the business of an employer;

(2.) By the negligence of the employer, or any person under him to whose orders the workman is subject, or of any person in the service of the employer who has charge or control of any signal, points, locomotive engine, train on a line, or any machinery or hauling gear in or about a mine;

the workman, or, in case of his death, his legal representatives, have the same right of compensation and remedies against the employer as if the workman had not been in his service. If the defect in the machinery mentioned above does not arise from any negligence on the part of the employer, or of any person in his employ, or if the workman knew of any defect or negligence, and failed to give notice, the employer is not held responsible. The compensation is not to exceed a sum equal to three years' earnings of a person in the same grade, employed in the same service and in the same district in which the workman is employed at the time of injury.(5)

4. Apprenticeship laws, Cape Colony.

The law relating to apprentices, which came into force in 1856, not only lays down the terms on which apprentices may be bound, but also makes provision for destitute children. All contracts relating to apprenticeships must be made in writing. No contract of apprenticeship by which a girl under sixteen, or a boy under eighteen, are apprenticed as agricultural labourers, are valid after they have attained the ages of sixteen and eighteen respectively. Children above the age of ten and under that of sixteen, may be apprenticed by their fathers, mothers, or guardians, full provision being made for their maintenance, clothing, and instruction; but the deed of apprenticeship is not binding unless signed in the presence of a magistrate, and attested by him. A person of the age of sixteen cannot be apprenticed without his own consent. The resident magistrate is the *ex officio* guardian of destitute children within his district. When a destitute child is found he is brought to the magistrate, who takes steps to discover if he has any relations to whom he can be apprenticed, and if any such can be found he may bind him to the most fitting. If none can be found the child is apprenticed, as soon as possible, to some other fit person, in the case of a boy until his eighteenth year, and of a girl until her sixteenth year. Provision must be made for the maintenance, clothing, and instruction of such children, and suitable wages stipulated for. Until recent years employers in the country were constantly in the habit of giving some instruction to the ignorant native labourers whom they engaged, but since schools have been established in most districts this practice has been discontinued.(6)

5. Law regulating Native locations, Cape Colony.

In 1884 an Act was passed "to provide for the more "effectual supervision and management of 'native locations,' and for the more easy collection of the hut "tax." Native locations are thus defined:—

"By a 'native location on private property' is meant any number of huts or dwellings, on any one farm, occupied by three or more male adults, being Kaffirs, Fingoes, Basutos, Hottentots, Bushmen, and the like, such occupants not being in the *bonâ fide* and continuous employment of the owner of such land, either as his domestic servants, or in or about farming operations, or any trade, business, or handicraft by him carried on upon such land."

"By a 'native location on Crown lands' is meant any number of huts or dwellings, occupied by any of the native races, such as Kafirs, Fingoes, Basutos, Hottentots, Bushmen and the like, on certain Crown lands reserved for the location of native tribes within the Colony."

Any private proprietor desiring to establish a native location on his property must apply for permission to the Governor. The Governor may appoint an inspector to supervise native locations. A hut tax of 10*s*. a year must be paid for each hut situated on private property; the owner of the property is liable for the payment. The inspector must keep a register of the number of huts and dwellings on every location, with the names and occupations of the occupants, and the number, marks, and description of the horses, horned cattle, sheep and goats, belonging to each. The inspector must also be kept informed by each inhabitant of a location of any horses, horned cattle, sheep or goats, which from time to time have come into his possession, and of the way in which he acquired them, and of the death of any person in the dwelling of such an inhabitant. The inspector may seize and impound unregistered horses and cattle. Any person found in a native location without having any right or authority to be there, may be directed to be removed from it by an order in writing signed by the resident magistrate of the district. (7)

(1) Appendix to Report of Select Committee on Labour Question, Cape Colony, 1890, p. iii.
(2) Law of Masters and Servants, No. 13, 1871.
(3) Law to facilitate the obtaining of labour, Natal.
(4) Law to facilitate the registration of native servants, Natal, No. 21, 1888. Appendix on Migration of Labour, pp. 224, 225.
(5) Employers' Liability Act, Cape Colony.
(6) Report of Select Committee on Labour Question, Cape Colony, 1890, p. 51. Act regulating the relative Rights and Duties of Masters, Servants, and Apprentices, No. 15, 1856.
(7) Acts of Parliament of the Colony of the Cape of Good Hope, 1884, Act to provide for the better and more effectual supervision and management of Native Locations.

C.—Conditions of Labour.

1. Wages.

The wages of white labour at the Cape have been hitherto so high that there has never been any need for any efforts to raise them, and there are hardly any trade unions. An attempt was made to form an association in the building trades at Cape Town, but it came to nothing.(1)

a. Of town labourers.

The following wages are paid in the principal towns of Cape Colony:—

Bakers	6*l.* to 15*l.* a month.
Bookbinders	36*s.* to 2*l.* 10*s.* a week.
Boot trade	1*l.* 4*s.* to 3*l.* 10*s.* a week.
Bricklayers	8*s.* to 15*s.* a day.
Butchers	8*l.* to 15*l.* a month with board.
Drapers' assistants	3*l.* to 20*l.* a month.
Engineers	3*l.* to 7*l.* a week.
Domestic servants	2*l.* to 10*l.* a month with board.
Storemen	8*l.* to 17*l.* a month.
Compositors	1*l.* to 36*s.* a week.
Machine printers	5*l.* to 7*l.* a week. (2)

b. Of agricultural labourers.

Agricultural labourers are generally natives and receive food, clothing, and lodging as well as wages. The rate of payment varies very much in different parts of the country, according to whether labour is plentiful or the reverse. A house, garden, and food are usually allowed, and sometimes the farmer gives cattle and poultry also. The money wage varies very much, but the most usual payment where labour is scarce is 2*s.* or 3*s.* a day. One farmer states that his men are abundantly satisfied with 1*s.* a day; others pay only 15*s.* or 25*s.* a month. Most wine-farmers also allow wine; some of them give it three times a day. The great aim of a Kaffir is to get sheep and cattle, which he can take back to his own land and pasture there, or afterwards exchange for a wife. Wages are, therefore, often paid in kind; the employé is allowed to choose a sheep or an ox from his master's flock, at stated intervals.(3)

c. On public works.

The natives employed on public works receive from 3*s.* to 6*s.* a day, and this employment is so popular that the Port Elizabeth merchants have to pay 8*s.* a day to natives for landing goods on the beach, owing to the scarcity of labour.(4)

It is contended by the farmers of the Western Province that the Government of Cape Colony, by paying this rate to labourers engaged on public works, have raised wages throughout the Colony. Farmers were accustomed to pay from 1*s.* to 1*s.* 6*d.* a day, but are now always obliged to give from 2*s.* to 3*s.* They are desirous that the rate of wages paid to Government employés should be reduced to a level with the rate paid by private employers. On the other hand, it must be remembered that the difference between the wages of farm labourers and employés in Government works is not in reality as great as it appears, since the former receive food, clothing and lodging, in addition to the money payment.(5)

d. Of miners.

The native miners employed by the De Beer's Company are contracted for at 15*s.* a week, but often receive higher wages.(6) Convicts employed in the mines receive 5*d.* a day, and their guards 4*l.* a week. White free labourers receive from 4*l.* to 5*l.* a week, with payment for overtime, which often amounts to 4*l.* or 5*l.* in addition. Débris washers pay natives whom they employ 17*s.* 6*d.* a week, and white men 3*l.* a week. In 1890, the number of Europeans employed in the mines was 2,509, and of natives 5,890.

In the Du Toit Pan and Bultfontein Mines white men were paid from 2*l.* 15*s.* to 6*l.*, and natives from 18*s.* to 25*s.* a week. The latter are always supplied with lodging, medical attendance, wood and water.(7)

e. Of employés in Natal.

Wages in Natal are high. Skilled employés of almost every class receive from 8*s.* 6*d.* to 12*s.* a day. Miners are paid 16*l.* to 20*l.* a month, wharf labourers 5*s.* to 6*s.* a day, and dressmakers 2*s.* 6*d.* to 3*s.* with food.(8)

(1) Minute from Ministers, Cape Town, to His Excellency the Governor, February 22nd, 1892.
(2) Circular from Emigrants' Information Office, p. 7.
(3) Circular from Emigrants' Information Office. Reports of Select Committee on Labour Question, Cape Colony, 1890, pp. 2, 4, 5, 8, 13, 18, 19, 24; 1892, p. 59.
(4) Report of Select Committee on Labour Question, Cape Colony, 1890, pp. 27, 34.
(5) Report of Select Committee on Labour Question, Cape Colony, 1890, pp. 3, 10, 11, 17, 20, 21, 27, 37.
(6) Report of Select Committee on Trade and Business, Griqualand West, 1891, pp. 419, 425. Report of Inspector of Diamond Mines, 1890, pp. 4-8.
(7) Report of Select Committee on Trade and Business, Griqualand West, 1891, pp. 419, 425. Report of Inspector of Diamond Mines, 1890, pp. 4-8.
(8) Circular from Emigrants' Information Office.

2. Hours.

Nine hours is the usual duration of a day's work at the Cape, but agricultural labourers work from sunrise to sunset all through the year. Thus in the ploughing season their hours are from 5 a.m. to 5 p.m.

Labourers employed by Government work from 7 to 5 in the winter, and 6 to 6 in the summer, with two hours interval; those engaged at the wharves work from 7 to 5 in the winter, and 8 to 5 in the summer, with one hour's interval.(9)

3. Cost of living. House-rent and wages.

House-rent and servants' wages in the towns of Cape Colony are dearer than in England. Labourers' cottages, with a garden, can be rented for 20*s.* or 30*s.* a month; a mechanic pays 30*s.* or 40*s.* a month for his house. At Kimberley, where wages have been very high until the last two years, it is necessary to pay from 70*s.* to 90*s.* a month. Provisions vary greatly in price; in places which are easily accessible, they cost much the same as in England, but where they cannot be delivered by railway, they are dearer. Meat is always cheap, varying from 4*d.* to 7*d.* a pound; bread is 3*d.* or 4*d.* a pound, fresh butter from 1*s.* 6*d.* to 4*s.* a pound, milk from 4*d.* to 6*d.* a quart, potatoes from 1*d.* to 2*d.* a pound.(10)

Prices in Kimberley.

Prices in Kimberley are very high. No meal can be obtained at a restaurant for less than 1*s.*, and 7*s.* 6*d.* or 8*s.* a day is the least sum on which a white man can live. The rent of a single room is 5*s.* or 6*s.* a week.(11)

D.—Diamond Mining in Kimberley.

1. Mining statistics.

Diamond mining is one of the chief industries of Cape Colony. The four mines of most importance are the Kimberley, the De Beer's, the Du Toit's Pan, and the Bultfontein Mines.

Diamonds were first procured by quarrying a few feet below the surface of the earth. A miner was allowed to mark out a space within which to work, on condition of paying a royalty to Government on the diamonds which he found. When the surface soil was exhausted it became necessary to sink shafts, and as the work gradually passed from the system of quarrying in the open to that of mining underground, the expenses of working increased yearly, and the necessary capital could only be provided by the formation of large companies. Of these the De Beer's Company has been the most successful, and now holds the greater part of the four mines mentioned above.(12)

Methods of working.

Below the red surface soil, in which diamonds were first found, is yellow rock, which is very friable, and from which the diamonds are easily won. This was hauled up from the mines and treated at once in the washing machines; but by 1881 this stratum was passed through in all four mines, and the "blue" ground below had to be worked. As it is very hard, it must be exposed to the air for a month or two before it can be broken up. It is therefore raised from the mine and deposited on floors set apart for the purpose. When sufficiently friable, it is passed through the washing machines, during which process some diamonds are discovered; it is then brought to the sorting tables to be thoroughly examined. From time to time subsidences of the main reef have taken place. While subsiding, it undergoes combustion, as it contains much sulphur pyrites, and the fumes cause great suffering to persons engaged in the work. In 1883 the first experiments in real underground mining were made in the Kimberley mine, and from that date the process had been continually extended.(13)

Amalgamation of companies.

During 1887 and 1888, most important amalgamations of companies took place, with the result, at first, of giving a great impulse to the industry. After 1883 the British United Company, the Gordon Company, and the North-Eastern Bultfontein Company were the only ones besides the De Beer's Company which carried on any important work. The Gordon Company, and the North-Eastern Bultfontein Company have since been suspended.(14)

(9) Dilke, "Problems of Greater Britain," p. 521. Report of Select Committee on Labour Question, 1890, pp. 17, 27, 29, 40.
(10) Circular No. 1 from Emigrants' Information Office, pp. 6 and 7.
(11) Report of Select Committee on Trade and Business, Griqualand West, 1891, pp. 48, 167.
(12) Report of Select Committee on Trade and Business, Griqualand West, 1891, p. xiii., Evidence, pp. 18, 20, 34, 167. Report of Inspector of Diamond Mines, 1889, pp. 3, 4, 31, 32.
(13) Report of Inspector of Diamond Mines, 1889, pp. 3, 4, 6, 10.
(14) Reports of Inspector of Diamond Mines, 1889, pp. 24, 27, 31; 1890, p. 14.

Out-put of diamonds.

According to the statistical register, the output from the above mines in 1885 was 2,287,261 carats, valued at 1*l.* 0*s.* 5*d.* per carat; in 1888, the output was 3,565,116 carats, valued at 1*l.* 1*s.* per carat; in 1890, no returns of the yield were made, but the export was 2,504,730 carats, valued at 1*l.* 13*s.* 3*d.* per carat.(1)

2. Conditions of the industry.

Convict labour.

The De Beer's Company have arranged with Government to employ a number of convicts on the floor of the mine, and a convict station has therefore been established in the neighbourhood. In 1888 they employed 300 of these men, bearing the cost of their maintenance and paying 2*d.* a day for each man. In 1889 they arranged to employ 400 men at 3*d.* a day. In 1890, 700 convicts were employed in breaking up lumps and filling the trucks at 5*d.* a day. This convict labour is reported to cost the company 28*l.* for each man a year. Seventy white guards are employed, receiving 4*l.* each a week.

The company prefer convict labour, because the supply is steady and the men are easily controlled, but the employment of these men was made a cause of complaint to the Select Committee on Trade and Business appointed in 1891. (*See* p. 85.) Some witnesses desired that the company should be obliged to discontinue it, but it was contended, on the other hand, that white men would not do the work performed by these native convicts, and that therefore the unemployed would be in no way benefited. It was also stated that the company put a "premium on dishonesty" by paying convicts a bonus on their finds, so that some of them, on leaving, had a considerable sum of money in their possession.

Illicit diamond selling.

The company, however, consider such a system necessary since the greatest difficulty connected with diamond mining is the prevention of theft. In spite of all precautions a considerable illicit trade in diamonds is still carried on. In 1883 a search system was established under Government administration. Search houses were placed at certain points on the margin of each mine through which the employés had to pass, but the system was not satisfactory. It was therefore recommended in 1885 that the companies should undertake the entire control of their employés or should establish compounds, in which the natives could live entirely during their term of employment. This system was introduced and it is said to have succeeded admirably, since the difficulty of conveying diamonds out of the compounds prevents their illicit sale.(2)

The De Beer's Company experience great difficulties in regard to discipline in the mines. Kaffirs are accused of continually disobeying orders by placing lighted candles in dangerous positions, and it is also stated that assaults by native employés are not infrequent. The sentences passed by magistrates are no deterrent, as "hard labour" is lighter than underground work, and prison fare better than that in which a Kaffir indulges as a free man. Dismissal would only encourage crime, as it affords an opportunity for disposing of stolen diamonds. The directors, therefore, consider that a special magistrate should be appointed to deal with mining cases, who should be ready to visit the scene of any offence and inflict summary punishment.(3)

Strikes.

In 1883 a strike of the white miners took place owing to four men being searched, and the authorities virtually surrendered the point. In April 1884, a large number of employés struck owing to the searching regulations, and were locked out pending submission. The civil commissioners telegraphed for troops, and all guns and ammunition were taken from the shops. On the 29th a body of 300 white men, followed by about 1,000 or 1,500 Cape Boys and Kaffirs, marched to the De Beer's Mine and arrested all operations. They then proceeded to the Central and French Companies' Works at the same mine. A company of police were drawn up there and trucks were arranged as barricades. The rioters charged the position in order to get possession of the water gear and flood the mine. They were fired upon and six were killed, whereupon they retreated and the riot was quelled. Three hundred white men were dismissed, and by May 7th full work was resumed.(4)

(1) Report of Select Committee on Trade and Business, Griqualand West, 1891, p. xv.
(2) Report of Select Committee on Trade and Business, Griqualand West, 1891, pp. 15, 103, 289, 313, 418, 419, 425, 426. Report of Inspector of Diamond Mines, 1889, p. 21.
(3) Report of Inspector of Diamond Mines, 1889, pp. 3, 5.
(4) Report of Inspector of Diamond Mines, 1889, pp. 11, 12.

3. Causes of the depression in the industry.

The diamond industry in Griqualand West has, from various causes, become greatly depressed of late years. The towns of Beaconsfield and Kimberley, which have grown up in the neighbourhood of the mines, and the inhabitants of which are all engaged in mining or in supplying the wants of miners, have been so greatly distressed that a Select Committee on Trade and Business for Griqualand West was appointed to inquire into the causes of the great lack of employment. They examined a number of witnesses, and obtained a large amount of conflicting testimony as to the causes and extent of the preceding depression.(5)

a. Diversion of trade.

Whilst it could be shown that no important reduction of the numbers of men employed in mining had occurred, it was not denied by witnesses that many people were out of work in Kimberley and Beaconsfield, and that a great shrinkage of trade had taken place. This was attributed first of all to the fact that Kimberley formerly did a great business in forwarding goods into the country, which it had lost since the extension of the railway from Port Elizabeth to Bloemfontein. In former days also, much share speculation, which has now almost entirely ceased, was carried on at Kimberley; but the speculators and the clerks whom they employed, have now no occupation.(6)

b. The compound system.

The falling off in the trade of shops in Kimberley may be in part attributed to the establishment of the "compound system" for the natives employed in the De Beer's Company's mines. It was found that when the natives were free from control, they gave way constantly to excessive drinking, which induced much crime and made them incapable of work for days together.(7)

The Company have therefore established "compounds" where the natives employed by them must live during their term of service, and where stores are established at which they can buy anything they want, except intoxicating drinks. This system serves the two-fold purpose of keeping the natives sober and of checking diamond stealing. On the other hand, it has doubtless deprived the shopkeepers of Kimberley, and especially those who kept drinking saloons, of a large part of their trade. The Company state that they buy everything that they can in Kimberley, but even in that case they purchase at wholesale and not at retail prices. This Company have also caused much discontent amongst the inhabitants of Kimberley by building a model village for their European workmen outside the town. Their reason for doing this was that the houses in Kimberley in which their employés lived were very uncomfortable. Many of them were only of galvanized iron, which became unbearably hot during the day, so that the men, who worked at night, found it difficult to rest in them. The workmen themselves have certainly benefited by the building of this village, for they have not only good houses, but gardens, and recreation and reading-rooms. On the other hand many houses are left empty in Kimberley, and this has combined with other causes to bring about a deterioration in the value of house property. The mayor of Kimberley stated that there had recently been 250 unoccupied houses in the town, and that many people who had been deprived of their means of livelihood were occupying houses which they would have to leave, unless some measure for assisting them were set on foot. Another witness stated that he was paying 4*l.* for a house, for which he had formerly paid 8*l.* He was a builder and had employed 200 men, but at the time of the inquiry had abandoned his business as it did not pay. Wages had also been greatly reduced. It was stated that a man had to do for 5*l.* work for which he would formerly have received 25*l.* Two boys who had been earning 3*l.* were obliged by the difficulty of finding employment to do night-work for 12*s.* a week.(8)

c. Surplus labour.

Some of the witnesses were of opinion that the amount of distress which prevailed was greatly exaggerated, and that its cause was to be found rather in the fact that people had been attracted in increasing numbers to Kimberley by the high wages which had been paid, than in the fact that the amount of employment had much decreased. Archdeacon Gaul stated that many of those who came to him for assistance had only recently arrived in Kimberley, and had never

(5) Report of Select Committee on Trade and Business, Griqualand West, 1891.
(6) Report of Select Committee on Trade and Business, Griqualand West, 1891, pp. x., xi., 97.
(7) Report of Select Committee on Trade and Business, Griqualand West, 1891, pp. x., 57.
(8) Report of Select Committee on Trade and Business, Griqualand West, 1891, pp. 6, 41, 56, 107, 114, 115, 136, 186, 187.

been engaged in mining before, but had come up, hoping to secure employment of some kind. He mentioned four men who came to him after being in Kimberley three months, three weeks, a year, and eight months respectively.(1)

d. Monopoly of the De Beer's Company.

The secretary of the De Beer's Consolidated Mining Company attributed the distress to over-speculation in gold shares, but a number of witnesses allege that the monopoly which that company have gradually acquired is responsible for the lack of employment. Within recent years the De Beer's Company has succeeded in getting nearly all the mines into its own hands; the British United Company have still some claims in the Du Toit Pan Mines, and the North-Eastern Bultfontein Company work part of the Bultfontein mines. The De Beer's Company, however, practically control the diamond market, and when the greater part of the Du Toit Pan and Bultfontein mines passed into their hands, they closed them down. The result of this has been, in the opinion of the people of Kimberley, to throw hundreds out of work, but the company, on the other hand, declare that the number of Europeans employed in the mines is almost as great as at any former time. They support their statement by a reference to the Statistical Register, which shows that in 1887 the number employed was 2,970, in 1888, 2,730, in 1889, 2,323, and in 1890, 2,509. The statement of one witness that the number employed had really decreased by 1,000 appeared to the Committee to be a great exaggeration.(2)

4. Remedies.

a. Drafting of surplus labour to other districts.

The obvious remedy for such a state of things seemed to be the drafting of surplus labour to other parts of the colony, where employés, more especially artisans and mechanics, are much needed. This, however, was what the people of Beaconsfield and Kimberley were most anxious to prevent, as they felt that if a large emigration took place the towns would be entirely destroyed. A further difficulty arises when the men in question have large families, whom it would be expensive to move about the country.(3)

b. Relief-work.

The managers of the De Beer's mines stated that they were willing to give work to any man of good character, and that they were employing many men whose services they did not actually need, at seven or eight shillings a day. The secretary said that out of 110 men to whom employment had been given at Kenilworth (the model village), only 50 came regularly to work. Employment had been offered to Mr. McArthur, one of the leaders of the agitation at 8*s.* a day, but he had refused to take it. The secretary stated further that white men, as a rule, did not want to work, but wished for posts as overseers, where they could sit and watch natives. On the other hand, the Rev. A. P. Kiel and other witnesses stated that men had applied for work to the company and failed to receive it. One man applied eight times in a fortnight, with good letters of recommendation, but was put off by the manager; two of his friends were treated in the same way.(4)

c. Débris washing and the opening of fresh mines.

The remedies most desired by the people out of work were that they should be allowed to wash débris, that the Wesselton Mine should be opened as a public mine, and that work should be resumed in the Du Toit Pan and Bultfontein mines, either by the company, or by individual claim-holders. They further wished that natives should be permitted to leave the compounds at stated times, so as to buy their goods in Kimberley, and that the De Beer's Company should be prohibited from building any more houses outside the borough. Two difficulties arose in regard to the first proposals. Since diamonds derive their value from the fact that there are only a limited quantity in the market, it appeared very possible that the washing of débris and the working of several additional mines, might not only reduce the price below the cost of production, but also induce the classes who buy diamonds because their possession confers distinction, to cease from purchasing them.(5) There is round the mines a mass of waste material, some of which has been put through the washing-machines, while it has not been thought worth while to examine the rest. Diamonds are often found in this waste, and when the price of diamonds is high it becomes profitable to wash it.

The outlay required to enter upon washing débris varies from 300*l.* to 1,000*l.*(6) Though it appeared improbable that the washing of this débris would relieve the existing distress, the De Beer's Company granted licenses for 100 machines; and the Municipal Council also permitted a fixed amount of washing in their débris. This, however, did not satisfy those who desired State interference, as they thought that débris washing ought practically to be permitted to all applying for licences. The great objection to such a course is that it would probably so reduce the price of diamonds as to make their production unprofitable.(7)

The profits from débris-washing vary very much. The cost is about 12*l.* a week, and not 40 per cent. of those washing on the Council's ground were believed to find 12*l.* worth of diamonds. In four weeks the finds of washers varied in value from 2*l.* 15*s.* to 9*l.* The largest find was worth 65*l.*, but that was exceptional. Consequently many of the washers could barely earn a livelihood, and very few made much by this means of living, though they preferred it to any other that was offered. This preference appeared, however, to be partly due to the strong feeling roused by the monopolist system of the De Beer's Company, and to the desire to invoke Government interference. The Mayor of Beaconsfield stated that the Débris Washers' Association desired to be allowed to wash débris, not because the members were poor, but because they wished to uphold the rights of the people.(8)

5. Report of the Select Committee.

The evidence given before the Select Committee brought out the fact that even if new mines were opened individual claim-holders could not work them, since the value of diamonds had already diminished, and if syndicates were formed the new mines would soon be absorbed by one great company as the old one had been. With regard to the abolition of the compound system, it appeared to them to have been of the greatest benefit to the natives and to the town, nor could they assent to the proposal that natives should be allowed to leave the compound from time to time, as that would deprive the system of its advantages. They held, further, that it would be impossible to prohibit the company from building on its own land. The proposals of the Select Committee to provide other remedies, such as allowing free passes on the railway to men going to work in other parts of the colony, or opening up new industries, were not favourably received. The Committee also pointed out that at present the Cape imported almost all the necessities of life, and that much land might profitably be cultivated in Griqualand. The answer to these proposals was always that men could not move from Kimberley and Beaconsfield with their families. It was evident that the one thing desired was an increased opening of the diamond industry, regardless of the fact that such a course might be its ruin. A labour bureau was established by private individuals, but men for whom work was provided at a distance were found to return to Kimberley, apparently because diamond mining possesses a fascination found in no other occupation, except, perhaps, gold digging. The Select Committee finally came to the conclusion that as the distress arose from natural causes it must be left to natural remedies, more especially as additional labour was much needed in some other parts of the colony. The minority report stated that Government, having expended much capital in the townships of Kimberley and Beaconsfield, should interfere to prevent their extinction by compelling the working of the mines which have been closed down, the opening of the Wesselton Mines, and the washing of débris.(9)

6. Employment bureau.

After the publication of the report of the Select Committee an employment bureau was established in Kimberley through the agency of the Knights of Labour. This society had taken the lead in the agitation for Government interference, but the Select Committee were unable to obtain any definite information about it, except that the members were bound by oath to carry out any orders which they might receive. Some witnesses regarded it as an association dangerous to society, and others said that the members would never carry out their threats, and that theirs was a useful association, which provided mutual benefits. Ninety-seven unemployed men were registered in the

(1) Report of Select Committee on Trade and Business, Griqualand West, 1891, pp. 240, 241.
(2) Report of Select Committee on Trade and Business, Griqualand West, 1891, pp. viii., ix., 2, 3, 40, 105, 106, 115, 185, 205, 240, 253, 365. Report of Inspector of Diamond Mines, 1889, pp. 24, 31, 32.
(3) Report of Select Committee on Trade and Business, Griqualand West, 1891, pp. x., 115, 185, 414.
(4) Report of Select Committee on Trade and Business, Griqualand West, 1891, pp. 101, 102, 185, 205.
(5) Report of Select Committee on Trade and Business, Griqualand West, 1891, pp. 115, 124, 127, 136, 141, 412, 413.
(6) Report of Inspector of Diamond Mines, 1889, pp. 27, 30.
(7) Report of Select Committee on Trade and Business, Griqualand West, 1891, pp. 31, 42, 43.
(8) Report of Select Committee on Labour and Business, Griqualand West, 1891, pp. xii., xvi., 44, 45, 115, 136, 257, 423, 424.
(9) Report of Select Committee on Trade and Business, Griqualand West, 1891, pp. x., xiv., xvi., xvii., 47, 185, 194, 407.

first fortnight during which the bureau was in existence. The manager communicated with the principal mine owners in the neighbourhood, and with the town council, requesting assistance in finding employment for the applicants at the bureau. In response, the town council gave directions to the borough engineer to allow any of the unemployed who applied to him to undertake stone breaking in connexion with the municipal works. Fourteen men took advantage of this, but they complained that the stone was as hard as the iron-stone of England, and that the tools provided were rough and unsuitable, with unwieldy handles and insufficiently pointed heads. The highest sum earned by any one of them in a week was 1*l.*, the lowest 8*s.* 10*d.*, and the average 14*s.* Replies were received from the manager of the North-eastern Mine, Bultfontein, and from the assistant traffic manager of the Cape Grand Railway, to the effect that there were no vacancies for employment in their service. It was stated that many more would be found to register their names on the books of the bureau but for the universal dread that the most distant association with the Knights of Labour would prejudice their chance of subsequent employment by the De Beer's Company. A report published on June 11th contains the following paragraph:—"So dark and dismal is the aspect of affairs, "and so despondent is the manager at the present "time of effecting any good, that he does not wish to "hold out any false hopes to the unfortunate appli-"cants for employment. If in the course of a couple "of weeks he is unable to obtain any definite result, "he will be compelled to relinquish the scheme as "futile." The Mayor of Kimberley was authorised, by a special committee of the town council appointed to consider the subject, to relieve distress in deserving cases up to a sum not exceeding 50*l.*(1)

7. Mining laws in Natal.

In 1888, previous laws concerning mining in Natal were repealed and a new Act passed, called the "Law to Consolidate the Law as to Mining."(2)

Prospector's licence.

The Commissioner of Mines, or the resident magistrate in any division, is empowered to issue a prospector's licence to any person, authorising him to search or dig for gold or precious stones or metals on any Crown land within the colony. A sum of 10*s.* is to be paid for every six months during which the licence is in force. Any holder of such a licence may mark off for himself an area, within which to prospect, provided it is not within 880 yards of any discovered reef. Before attempting to turn to marketable account any discovery, a prospector must lodge a declaration of what he has found with the resident magistrate, or with the supervisor of the division in which the find shall have been made.

Diggers' licences.

Any licensed prospector, who shall satisfy the Commissioner of Mines, or his deputy, that he has found gold or precious stones, shall receive a certificate from the Commissioner, enabling him to mark off four claims, each 150 by 150 feet in area. When the Commissioner is satisfied as to the existence of gold in any prospecting area, he may call upon the owner to take out a diggers' licence. The Commissioner is in all cases to decide whether gold in payable quantities has been discovered or not. Any person making a false declaration as to the discovery of gold, is liable to such punishment as is provided by law for the crime of perjury.

Proclaimed fields.

The Governor, with the advice of his Executive Council, may, by proclamation, constitute any part of the colony, whether it be private property or Crown land, a public field for mining purposes. The Commissioner of Mines may issue a diggers' licence to any person, authorising him to dig for gold or precious stones on any public field, and to mark off a claim for himself. The licence is to be paid for at the rate of 10*s.* for each month or portion of a month for which it is granted. Diggers holding adjoining claims may amalgamate them and have them registered at the Office of the Supervisor. The Governor may grant to any licensed person, who has prospected to the satisfaction of the Commissioner of Mines, a lease of any unoccupied Crown lands for mining purposes.

Law as to prospecting or mining on privat land.

The Commissioner of Mines or any other person appointed by the Governor, may, after giving seven days' notice, enter on the land of any private owner to prospect for metals or precious stones. Compensation must be made to the owner for any damage occasioned.

(1) "Diamond Fields Advertiser," July 2nd and 13th, 1892. Report of Select Committee on Trade and Business, Griqualand West, 1891, pp. 30, 132, 192, 263.

(2) Law to consolidate the law as to Mining, Natal, 1888.

The owner of land on which coal is discovered may dig for and dispose of it, or grant licences to other persons to do so. Any person may prospect for gold or precious metals within the boundaries of his own land, and shall be entitled to undisturbed possession as long as he does so to the satisfaction of the Commissioner of Mines. When a private owner neglects or refuses to prospect his land or to allow other persons to do so, the Commissioner of Mines may grant a licence for the purpose to any person applying to him. When the land of a private owner is declared a public field, and the prospector has marked off his claims, the owner is next entitled to mark off one claim for every 100 acres, up to the number of fifteen. Compensation is to be made for anything done under this Act prejudicial to the owner or occupier of any land.

Royalties.

The following royalties are to be paid on all gold, silver, and precious stones, extracted from any land which has not been proclaimed a public field:—

1. A royalty of 1*s.* 6*d.* per ounce on gold.
2. A royalty of 1*d.* per ounce on silver.
3. A royalty of 2½ per cent. on the value of diamonds.

Diggers' committee.

In every public field, and every district in which there are more than fifty registered claim-holders or licence-holders, the persons so assembled may, upon application in writing to the Governor, elect a digger's committee of not less than five, or more than nine, who shall make bye-laws for the public field or district.

The sale of minerals and precious stones.

Diggers and miners may dispose of minerals as they deem fit, provided that gold be not sold to anyone except bankers, or other persons licensed to trade in it. No native under the operation of the Native Law may hold a licence to prospect or mine.

Regulations for safe mining.

The Governor is empowered to make regulations for the safe working of mines, and issued the following regulations in 1889:—Adequate ventilation must be produced in every mine. None but safety lamps are to be used in coal mines where inflammable gas has been found to exist, and in such mines an inspection is to be made by the manager or some other competent person of every part of the mine where work is being carried on. All parts of the mine not being worked are to be fenced off. Where safety lamps are used, a competent person must be appointed to examine them.

Gunpowder may not be taken into a mine except in canisters containing not more than four pounds. Refuges are to be provided at intervals of not more than fifty yards, along every road underground on which a load is drawn by a horse or other animal. Once a week a competent person is to examine all the machinery used in connexion with the mine. Any accident resulting in injury to the life or limb of any person shall be at once reported to the Minister of Mines. Steam engines are not to be placed in the charge of any person under eighteen.

Coal-mining.

The following regulations were issued in 1889 in regard to coal-mining:

Any unalienable Crown lands, not occupied under provision of the "Natal Mines Law, 1888," or not exempt from the operation of the law, may be leased for the purpose of coal-mining. On the receipt of an application for a lease the commissioner may cause the land to be surveyed at the expense of the applicant. No lease is to be granted for a period exceeding twenty-one years. Rent is charged at the yearly rate of 5*s.* an acre, a royalty of 3*d.* a ton must also be paid upon all coal extracted from the land so leased. Licences to search for coal on Crown lands are granted in the same way as licences to search for gold and precious stones.

E.—Scarcity of Farm Labour.

In 1891 some of the western farmers became involved in great difficulties owing to scarcity of labour. The work both of vine growers and corn growers is performed almost entirely by natives, of whom there has hitherto been a sufficient supply; but owing to the opening of railway and other Government works, on which the same labour is employed, farmers have begun to find it difficult to procure sufficient hands. They therefore presented a petition to the House of Assembly, praying that the Government would procure labour from beyond the Colony for public works. In consequence of this petition, a Select Committee was appointed to take evidence on the alleged scarcity of labour and the proposed remedies.(2)

1. Employment of farm labour on Government works.

The evidence of the farmers showed that in many cases men were engaged in Government works who had

(2) Appendix to Report of Select Committee on Labour Question, Cape Colony, 1890, p. ii.

previously been farm labourers. They preferred the former employment because it enabled them to work in gangs, under a headman of their own on whom they could rely; they received better wages, and their hours were shorter.(1)

2. Refusal of natives to work.

The farmers further complained that there were great numbers of natives living on "locations" or settlements, in various parts of the Colony, without any ostensible means of earning their livelihood, who supported themselves by stealing, and refused to work, and that children were kept too long in the schools, so that when they came to be employed on the farms, they had passed the age when it was easy to teach them. One witness stated that he knew three farmers, who had been obliged to give up working two ploughs, because they were short of labour, and of another who gave up one plough for the same reason. As the Cape already imports corn, it is undesirable that any corn-land should be left uncultivated for a lengthened period. Another farmer stated that he had not been able to keep his usual number of ploughs going, and that some of his neighbours had had two teams of cattle standing idle. This scarcity of labour was shown to be confined to the western province. The member for Richmond stated that there were sufficient natives in Cape Colony to meet the demand for labour, but numbers of them loafed about in the villages and on the farms, and refused to take service, though they seemed to have no means of support. In consequence of this idleness they frequently became intoxicated, and were then put into gaol, thus becoming an expense to the country. Witnesses also stated that in order to secure a labourer a man had often to keep the labourer's wife and family, although they refused to do any work. The present generation of labourers were said to be "a spoiled class," who believed that they had equal rights with the white men. The same was true of the children, since their parents did not control them, and the masters were afraid to do so. If they did interfere in any way, the father at once had recourse to the magistrate.(2)

3. Remedies proposed. Natives should be imported for public works.

The remedy proposed for this state of things was that the Government should import natives for the public works, and allow those who had been employed on farms to return to their former labour. The great objection to such a course is the unfairness of dismissing men who are earning good wages and doing good work on the railway or at the docks, in order to force them back to farm labour. The general manager of railways was questioned on the subject, and stated that the department would not be willing to dispense with any of the labourers whom they had engaged, both because it was unfair to the men and because it would be detrimental to the works, as a "raw" native is months in learning how to labour. The metals must be laid straight, and it takes a Kaffir a long time even to understand what a straight line is. Some farmers stated that "raw" native labourers would be of no use to them, as they could not herd the oxen or work in the vineyards.(3)

Natives should be compelled to work.

They were anxious that either the native "locations" should be broken up, so that the men living in them might be compelled to seek employment, or that a law should be passed compelling every native who could not show a sufficient means of livelihood to work. Further, it was desired that when a man was engaged on a farm, and the employer found it necessary to support the wife and children, he should be empowered to make them work also. Farmers are anxious to secure the services of children during the ploughing and reaping seasons, and they complain greatly that boys over thirteen are compelled to attend school at such times, under threat of being excluded entirely if they do not. They also desire that when they engage a native labourer they may obtain a semi-parental control over his children.(4)

4. Report of the Select Committee.

The report of the committee states that it appears undesirable to interfere with the existing arrangements regarding the employment of native labour on public works, but recommend that railway officials be instructed to avoid engaging labourers who have been already employed by neighbouring farmers. They recommend the introduction of a limited number of natives from the east coast, but state that farmers must be prepared to pay higher wages in order to obtain a sufficient supply of labour.

They also suggest the better regulation of native locations, and the establishment of a separate labour office to deal with the unemployed natives already in the colony. In regard to the complaints relating to women and children, the committee do not propose any definite remedy, but state that greater attention should be paid to industrial education by government, and that missionaries should be requested not to keep children at school during the time when the farmers require them.(5)

5. Native labour.

Manual labour at the Cape and Natal is done by natives. During the period from 1890 to 1892, owing to the scarcity of labour in the western provinces of Cape Colony, the question of introducing natives has been much discussed.

There are already a great number of "Cape Boys" (the descendants of natives who have settled in the colony), who are employed by farmers and on public works. There are also many less civilised Kaffirs and other natives, living on locations of public land or that of private owners, and sometimes paying a small rent, or working in return for their huts and plots of land. Many of these natives have no ostensible means of livelihood, except perhaps a few goats, and it is said that they subsist chiefly by stealing, while it is impossible to induce them to work regularly.(6)

a. Views of the committee.

The committee appointed in 1890 to report on the scarcity of labour took evidence as to the advisability of introducing labour from beyond the borders of the colony. A few witnesses were of opinion that it was unnecessary to introduce more natives; and that a better remedy would be to compel all those already settled in the colony without any recognised occupation to work. Many others recommended that natives should be introduced for Government works, and that "Cape Boys" and others who had been long in the colony should be left to do the farmers' work.(7)

Most farmers preferred the labour of natives from Damara, saying that they were better and more intelligent than Kaffirs, and learnt to attend to vines within a year. Kaffirs and natives of Zanzibar are always in a hurry to return to their own land, and they leave the farmer soon after they have become useful, taking their wages, or the cattle they have bought, away with them. Some witnesses said that Damaras also left the country, but others stated that they often settled there, as also did natives from Mozambique, who are spoken of as very good workers.(8)

Kaffirs are said to take a long time to become useful on the railway, and therefore Cape boys are preferred for that work. On the other hand, it is found that the latter cannot stand work on the wharves, and, therefore, Kaffirs or other natives are employed there, and become very valuable.(9)

b. Attempts to introduce native labour.

The Damaras were recommended as good workers to the Select Committee, therefore the Government introduced sixty of them in 1890, bearing half the cost of passage; but objections were raised by the German Government, and immigration from that province was discontinued. (10)

An attempt was then made to secure natives from the frontier of Cape Colony, and from the Transkei. Mr. Stevens, who is in the service of the South African Chartered Company, and is well acquainted with the native tribes of South Africa, was charged with the mission. He travelled from King William's Town to Umtata, but was unable anywhere to engage men who were willing to undertake farm work. He offered them 15*s.* a month, rations, and a room, but they refused to accept this offer chiefly because the wages were too low. They told Mr. Stevens that they did not want to work for food only, but wished to be able to bring back either cattle or money. They also have a strong objection to going far from their homes, unless they are able to work in a gang under one of their own headmen, an arrangement which is not possible on a farm. While Mr. Stevens was in Umtata, he was instructed to engage

(1) Reports of Select Committee on Labour Question, Cape Colony, 1890, pp. 3, 10, 11, 17, 20, 21, 27, 37; 1892, p. 5.
(2) Report of Select Committee on Labour Question, Cape Colony, 1890, pp. 12, 31, 47-49.
(3) Report of Select Committee on Labour Question, Cape Colony, 1892, pp. 10, 53, 55.
(4) Reports of Select Committee on Labour Question, Cape Colony, 1890, pp. v., vi., 5, 48, 49; 1892, p. 20.
(5) Report of Select Committee on Labour Question, Cape Colony, 1890, p. vi.
(6) Report of Select Committee on Labour Question, Cape Colony, 1890, pp. 4, 8, 42, 43, 47-49.
(7) Report of Select Committee on Labour Question, Cape Colony, 1890, pp. 3, 10 31, 42, 47-49.
(8) Report of Select Committee on Labour Question, Cape Colony, 1890, pp. 10, 11, 14, 21-24, 34, 36.
(9) Report of Select Committee on Labour Question, Cape Colony, 1890, pp. 37, 41.
(10) Report of Select Committee on Labour Question, Cape Colony, 1890, p. 2.

dock labourers, at 1*l.* 10*s.* per month, with food and lodgings. He secured without difficulty the services of 230 Fingoes for this purpose, although he had failed to engage a single man for farm work. Veldtman, the Chief of the Fingoes, sent his son with them to act as foreman. The work of these Fingoes gave satisfaction, and they were perfectly content with their wages. They received payment for overtime and a bonus for steady conduct, so that many of them earned as much as 3*l.* a month, the greater part of which they saved. (1)

Their foreman, Johannes Veldtman, was examined by the Select Committee on the Labour Question, as to the possibility of procuring Kaffir labour for the Western Province. He stated that the Fingoes were a rich nation, that most of them had land, waggons, and oxen of their own, and, therefore, would not undertake to work for farmers. To show their wealth, he quoted the case of a Fingo who had bought a farm in Galekaland for 2,700*l.* He told the committee that the Galekas were a poor nation, and that, as their crops had failed, they might be willing to undertake farm work. (2)

c. Complaints of natives.

The Secretary for Native Affairs stated before the Select Committee that natives refused to take service with farmers because they were not treated well, and part of their wages were often withheld. Two natives had laid a complaint to this effect before a Resident Magistrate, but would not make any definite charge, so that it was impossible to investigate the matter. Natives engaged on railway and dock work have also complained that they are cheated by the sub-contractors, and it is for this reason that they like to have with them one of their own headmen, who is able to protect their interests. (3)

d. Excessive drinking on the part of natives.

It is extremely difficult to prevent native employés in Cape Colony from yielding to the temptation of excessive drinking.

The Select Committee on the Labour Question say in their report for 1892:—"The unrestricted sale of strong "drink appears to be the factor mainly to be feared "in the present and near future, in demoralising the "labour supply of the colony. As the aboriginal "natives themselves almost unanimously desire that "the supply of strong drink to them should be pro- "hibited by law, your committee recommend such "legislation as will give effect to their strongly ex- "pressed desire, whether by increasing the proclaimed "areas, or in some other way. Licensing boards "might do good service by endorsing on licences that "no native servant be supplied with liquor without a "note from his or her master." The "proclaimed areas" are districts where intoxicating drink may not be sold to a native unless he produces a permit from a magistrate.

Several methods by which the natives might be prevented from drinking were suggested to the Committee. Some witnesses desired that the sale of intoxicating liquors to natives should be absolutely prohibited. Others thought that such a regulation would not be observed, and that if the price of alcoholic drinks were raised by a heavy excise, the evil would be checked. The suggestion most frequently put forward was that licences should only be granted on the condition that no native should be served with liquor, unless he produced a permit from his master. A farmer from near Hope Town stated that he and his neighbours had induced the keeper of the canteen nearest to their properties to undertake not to supply liquor to any of their servants who had not a permit from his master, and that the arrangement had worked well.

It is not only through buying drink at canteens that natives become intoxicated. In their locations they distil several kinds of "Kaffir beer" which they consume in great quantities. It is very intoxicating, especially when brandy is mixed with it. Women drink as much as men; a special kind of "women's beer" is manufactured. This kind of drinking is the most difficult to deal with. It was recommended by one witness examined by the Select Committee on the Labour Supply that the manufacture of Kaffir beer should be prohibited by law. Others were of opinion that such an Act could not be enforced. (4)

(1) Report of Select Committee on Labour Question, Cape Colony, 1890, pp. 2, 3, 5, 72.
(2) Report of Select Committee on Labour Question, Cape Colony, 1890, pp. 74, 76.
(3) Report of Select Committee on Labour Question, Cape Colony, 1890, pp. 4, 32, 75.
(4) Report of Select Committee on Labour Question, Cape Colony, 1890, pp. vii., 14, 21, 22, 34, 45, 62, 76.

F.—Immigration.

a. To Cape Colony.

Free passages are not granted to immigrants to Cape Colony, except in the case of Government employés, who are selected and engaged by the Agent-General.

Assisted third class passages are given by special order from the Cape Government, to mechanics, artisans, and domestic servants contracted to employers in the Colony. Each immigrant, so introduced, must engage to serve his employer for at least twelve months after landing.

b. To Natal.

Free passages are granted to immigrants coming to take up Government land at Weenen.

Assisted nominated passages are provided on application by Natal colonists to the Secretary of the Land and Immigration Board at Durban, or the Immigration Agent in London, for farmers, farm labourers, miners, domestic servants, mechanics, and artisans. The applicant must guarantee to the immigrant three months' employment at stated wages.

Free passages are granted to domestic servants of good character, who are much wanted in the Colony. Application must be made to the Natal Government Emigration Agent, London. Certificates of good character must be produced, and the sum of 5*l.* must be deposited with the agent, to be returned to the emigrant on the expiration of the first year of service. (5)

Coolies from India are introduced into Natal for the purpose of supplying the demand for manual labour, and the Government bears part of the cost of introduction. According to a return given in the Imperial Institute Year Book, 1892, 29,055 men, with 11,369 women, and 6,494 children, making a total of 46,918, were introduced between 1860 and 1891. They are paid 10*s.* a month for the first year, with an increase of 1*s.* a month during the next four years. They also receive lodging and food, principally in the shape of rice. After they have served for five years, they may leave their employer, but are bound to remain another five years in the Colony and work as free men. At the end of that time they are allowed three years' grace, during which they can claim to be sent back. Most of them settle in the country and become market gardeners or agriculturalists. They are very energetic and live economically, so that they are able to undersell white producers. (6)

G.—Friendly Societies.

a. Number of Friendly Societies.

There are many friendly societies in the South African Colonies. In Cape Town, alone there are six Foresters' Courts, five Oddfellows' Lodges, four Free Gardeners' Lodges, three Lodges of Druids and sixteen other courts of friendly societies. In Durban, where there are only 2,500 white men, one Oddfellows' Lodge has 170 members, and one Foresters' Court has 325 members. (7)

b. Report of Select Committee.

In 1889 a Select Committee was appointed by order of the Cape House of Assembly, to inquire into the working of the Friendly Societies Act of 1882.

The Committee reported that the benefits conferred by the societies, with scarcely any exceptions, were in excess of what was justified by the payments, and that the want of a sufficient audit produced looseness in the management of finances. They recommended that a skilled actuary should be appointed by the Government further to inquire into the condition and working of friendly societies throughout the Colony.

The recommendation of the Select Committee was adopted, and circulars sent to every known friendly society in the Colony, asking for such returns as might enable an actuary to draw up a report as to the financial position and prospects of each society. Thirty-eight societies, out of 127 to whom application was made, sent in returns, and an actuary appointed by Government drew up a report in each case. (8)

c. Entrance fees.

In many instances the entrance fee varies with the age of the proposed member. In the Amicitiá Verein Friendly Society the entrance fee is 15*s.* at 18, rising to 60*s.* at 45. In the Caledon Benefit Society it is 10*s.* at the age of 15, and 1*l.* 5*s.* at the age of 50. In the Oddfellows' South African Unity Lodge, Cape Town, it is 10*s.* 6*d.* at 18, and 3*l.* 5*s.* at 45. This, however, is not always the rule. The Basuto Mutual Benefit

(5) Circular from Emigrants' Information Office, pp. 2, 12.
(6) Circular from Emigrants' Information Office, p. 5. Report of Select Committee on Labour Question, Cape Colony, 1892, pp. 12, 319.
(7) Dilke, "Problems of Greater Britain," p. 540.
(8) Report of Government Actuary on Friendly Societies, 1890, p. 1.

Society, Richmond, has a uniform entrance fee of 10*s.*, and the English Church Friendly Society, confined to married women of the working classes, an entrance fee of 5*s.*; members may be admitted between the ages of 17 and 45. The actuary points out that the entrance fee and subscription should always be graduated according to the age of the member, as the average number of days' illness in a year increases with every year of adult life. It is, however, the exception in South African societies to pay a graduated subscription.(1)

Members of the Basuto Mutual Benefit Society pay 1*s.* a month, members of the Eastern System of Railways Permanent Mutual Sick and Funeral Benefit Society, East London, pay 3*s.* a month, the subscription to the Jubilee Benefit Society, Paarl, is 26*s.* a year, and to the Richmondsche Weldadegheid's Genootschaap 2*s.* a month. In the Evangelical Lutheran Benefit Society, Cape Town, the subscription is 1*s.* a week for members between the ages of 15 and 40, and 1*s.* 6*d.* for members over 40 years of age. Most societies do not admit new members who are over the age of 45, but the Sons of England Benevolent Society, No. 22, Port Elizabeth, place the limit of age at 60, which the actuary points out to be a mistake. The Jubilee Benefit Society, Paarl, has no rule as to the age of admission.(2)

d. Benefits.

The benefits granted by these societies usually include medical attendance and medicine during sickness, a sick allowance, and a payment on the death of a member or his wife. The payments vary in the case of each society which sent in a return. In case of illness, a sick allowance is usually made for a limited time, after which it can only be continued by a special arrangement of the society. In the Amicitia Verein Friendly Society it is 15*s.* during the first twelve months' illness, and 7*s.* 6*d.* during the next six months. In most other societies the rate of sick pay is lower. In the Broederligt Onder Steunings Genootschap it is 10*s.* for the first period of twelve weeks' sickness, and 5*s.* for the second. The English Church Friendly Society at Stellenbosch allows 10*s.* a week as sick pay, and places no limit on the duration of the allowance, which the actuary notes as an error. The funeral allowance varies from 50*l.* paid by the Amicitia Verein Friendly Society on the death of members of five years' standing, to 6*l.* paid by the Caledon Benefit Society for coloured people, and 4*l.* 11*s.* 6*d.* paid by the Evangelical Lutheran Benefit Society.(3)

e. Financial position.

The actuary made a careful return as to the financial position of each society which supplied the necessary information. His calculations were based on the experience of friendly societies in England as to the average number of days' illness to be expected in each year of life and the probable number of deaths in each society. This experience is summarised in Ratcliffe's Manchester Unity (Oddfellows) Tables.

Calculations on this basis showed that there was a deficit in the funds of nearly all the societies examined, varying from 338*l.* in case of the Order of Oddfellows, South African Unity Lodge, to 1,596*l.* in the case of the Victoria Lodge of I.O.O.F., South African District. This deficit was pronounced to be caused by the inadequacy of subscriptions to provide the promised benefits. In the case of the Independent Order of Rechabites, Prosperity Tent No. 100, the expenses of management were pronounced to be too high, amounting to 90 per cent. of the contributions, whereas they should not exceed 40 per cent. In the case of some of the more recently formed societies, a balance remained in hand, but the actuary pointed out that the expenses of a society increase with the increase in the age of its members, and that therefore it is absolutely necessary that its funds should be invested at compound interest to meet the growing claims for sick pay and death allowances. The actuary recommended that in order to place friendly societies on a sound financial basis, a separate account of the sick and funeral fund, and the medical and management fund, should be kept in all cases.(4)

f. Legislation.

In consequence of this inquiry a Bill was introduced into the House of Assembly to deal with friendly societies, which is still under consideration (*see* Appendix).

(1) Report of Government Actuary on Friendly Societies, 1890, pp. 1, 2, 11, 12, 17, 19.
(2) Report of Government Actuary on Friendly Societies, 1890, pp. 2, 12, 19, 21, 36, 49.
(3) Report of Government Actuary on Friendly Societies, 1890, pp. 3, 11, 17, 19.
(4) Report of Government Actuary on Friendly Societies, 1890, pp. xv., 14, 17, 20, 21, 33, 41, 47.

Any number of persons not less than ten may form a friendly society in order to provide a fund for the relief of members and their near relations in infancy, old age or sickness; for supplying medical attendance and medicine; or for assuring a sum to be paid on the birth of a member's child or for the funeral expenses of a member, his wife or child.

Before a friendly society can be established under the Act, the intending members must frame a set of rules for its government and management. The rules must set forth:—the name of the society and the place of meeting for business; the objects for which it is to be established; the provision for the appointment and removal of the general committee of management, the trustees, treasurer, and other officers, and the manner in which disputes between the society and any of its members shall be settled.

All moneys received or paid on account of each particular fund or benefit for which a separate table of contributions payable shall have been adopted, shall be entered in a separate account. For the purpose of registration an application must be made to the registrar, signed by seven members and one officer, and forwarded with a copy of the rules, and a list of the names of the secretary, trustees, and other officers.

The registrar must test the adequacy of the proposed contributions to sick and funeral or other benefits, by the aid of standard tables of sickness and mortality. If, in his opinion, the contributions are insufficient to provide for the promised benefits, he must report the case to the minister, and embody in the report a table of higher contributions which he considers sufficient; no society will be allowed to register unless it proves to the satisfaction of the Registrar that the benefits it promises can be provided from the contributions.

Every friendly society must appoint one or more trustees, in whose hands all its property must be vested, and who are empowered to bring or defend any action concerning such property.

The trustees may, with the consent of the committee of management, or a majority of the members of the society, invest the funds or any part of them in any bank on deposit, or in Government or municipal securities, or in the Post Office Savings Bank, or in the first mortgage on movable property, or in any such securities as the rules of the society may permit, except the purchase of immovable property and personal securities.

Treasurers must become bound with one or more sufficient sureties, before taking office, and must at any time render an account on being required to do so. Once every year the accounts of the society must be submitted for audit to two or more persons, as the rules of the society provide.

Once at least every year, a general statement of accounts must be returned to the registrar, and once every five years full statistical information may be furnished to him, to enable him to make or cause to be made an actuarial valuation of the liabilities and assets of the society.

Minors may be members of friendly societies; but may not hold office.

The funeral expenses of a child under ten may not be paid until a medical certificate, stating the probable cause of death, has been produced.

Any person unlawfully obtaining possession of any of the money or property of a society, or withholding or misapplying it, may be prosecuted before the resident magistrates' court, and if the complaint is proved the magistrate may order the person to deliver up the money and property in question, and pay a further sum, not exceeding 20*l.*(5)

APPENDIX A.

A BILL to repeal the Act No. 7 of 1882, commonly called "The Friendly Societies Act, 1882," and to make other provisions in lieu thereof.
(Introduced by the Colonial Secretary.)

Be it enacted by the Governor of the Cape of Good Hope, with the advice and consent of the Legislative Council and House of Assembly thereof, as follows:—

Repeal of the Act No. 7 of 1882.

1. The Act No. 7 of 1882, commonly called "The Friendly Societies Act, 1882," is hereby repealed, but this repeal or anything in this Act contained shall not affect the past operation of the said Act, or the force or

(5) *See* Appendix A.

operation, validity or invalidity of anything done or suffered, or any bond or security given, right, title, obligation or liability accrued, contract entered into, or proceedings taken under the said Act, or under the rules of any society registered thereunder, before the taking effect of this Act.

Definitions.

2. In the interpretation of this Act the following terms shall bear the meanings respectively set opposite them:

"Friendly Society."—Every friendly society or affiliated branch thereof established under the provisions of this Act, as well as every friendly society established under the Friendly Societies Act, 1882, and in existence at the taking effect of this Act.

"Registrar."—The Registrar of Friendly Societies appointed under this Act.

"Treasurer."—The officer appointed by the society to act in that capacity.

"Minister."—The Minister for the time being charged by the Governor with the administration of this Act.

"Committee of Management."—The body of persons appointed to manage and direct the affairs of a friendly society, by whatever name such body may be called.

"The Court"—shall mean the Supreme Court, the Court of the Eastern Districts, the High Court of Griqualand West, or any circuit court, in their respective jurisdictions.

Friendly societies may be instituted under this Act.

3. It shall be lawful for any number of persons, not being less than ten, to form and establish under the provisions of this Act a friendly society for the purpose of raising by the voluntary subscription of the members thereof, with or without the aid of donations, a fund for any of the following purposes:

Purposes of such societies.

(*a*) The relief or maintenance of members, their husbands, wives, children, fathers, mothers, brothers, sisters, nephews, nieces, or kindred, in infancy, old age, widowhood, sickness or other infirmity, bodily or mental, or the endowment of members or nominees of members at any age.

(*b*) Providing medical attendance and procuring medicines for the persons mentioned in the foregoing clause (*a*), or any of them.

(*c*) Insuring a sum of money to be paid on the birth of a member's child, or on the death of a member or for the funeral expenses of the husband, wife, or child of a member.

(*d*) Any purpose which shall be authorised by the Governor as a purpose to which the facilities and powers of this Act ought to be extended; provided that no member shall contract for an annuity exceeding 30*l.* per annum, except with the special consent of the Registrar, who may allow an annuity not exceeding 60*l.* per annum to be contracted for, or any other contingency exceeding 200*l.*

Societies remaining under operation of Act No. 7 of 1882.

4. Any friendly society may at any time hereafter register itself, in manner and subject to the conditions herein-after prescribed, as a friendly society under the provisions of this Act; provided that until so registered, every friendly society registered under "The Friendly Societies Act, 1882," shall remain under the operation of that Act as if the same had not been repealed.

Appointment of Registrar.

5. The Governor may from time to time appoint an officer to be known as the Registrar of Friendly Societies, who shall be charged with the registration of friendly societies in manner provided by this Act, and shall have the custody of all returns and documents required by this Act.

Rules to be framed before society established under this Act.

6. Before any Friendly Society shall be established under this Act, the persons intending to establish the same shall agree upon and frame a set of rules for the regulation, government, and management of such society; and in such rules they may, amongst other things, make provision for appointing a general committee of management of such society, and delegating to such committee all or any of the powers given by this Act to the members of friendly societies formed, established, or registered under or by virtue of the same; and such rules shall set forth:

(1) The name of the society, and place of meeting for the business of the society.

(2) The whole of the objects for which the society is to be established, or for which it exists, the purposes for which the funds thereof shall be applicable; and the conditions under which any member may become entitled to any benefit assured thereby, and the fines and forfeitures to be imposed on any member of such society.

(3) The manner of making, altering, and rescinding rules.

(4) A provision for the appointment and removal of a general committee of management, of a trustee or trustees, treasurer, and other officers.

(5) A provision for the investment of the funds, and for periodical audit of accounts to be conducted at least once in every year.

(6) The manner in which disputes between the society and any of its members, or any persons claiming by or through any member, or under the rules, shall be settled.

And the rules of every such society shall provide that all moneys received or paid on account of each and every particular fund or benefit assured to the members thereof, their husbands, wives, children, fathers, mothers, brothers, sisters, nephews, nieces, or kindred, for which a separate table of contributions payable shall have been adopted, shall be entered in a separate account, distinct from the money received and paid on account of any other benefit or fund; and also that a contribution shall be made to defray the necessary expenses of management and the medical expenses, if any, and an account of such contributions and such management and medical expenses shall be kept separate and distinct from the account of any other benefit or fund. The moneys belonging to any one such benefit or fund shall not be used in any manner for the advantage of any other benefit or fund. Provided always, that it shall be lawful to apply any savings out of moneys applicable for management and medical expenses, in aid of any of the funds and benefits of the society.

Provisions with respect to registration.

7. With respect to the registration of friendly societies under this Act, the following provisions shall have effect:

(1) No friendly society shall be registered which does not consist of ten persons at least.

(2) For the purpose of registration, an application to register the society, signed by seven members and the secretary or other officer, and written or printed copies of the rules, together with a list of the names of the secretary, and of every trustee or other officer authorised to sue and be sued on behalf of such society, shall be sent to the Registrar.

(3) Along with the application for registration, a copy of the proposed tables of contributions and benefits shall be forwarded to the Registrar; such tables shall in every case provide for the payment by the members of a contribution for management and medical expenses, separate and distinct from the contributions of the sick and funeral and other benefits. On receipt of such tables the Registrar shall test the adequacy of the contributions for the proposed sick and funeral or other benefits (without reference to the management and medical expenses) by the aid of standard tables of sickness and mortality. After having done so the Registrar shall, if in his opinion such contributions are insufficient to provide for the promised benefits, report to that effect to the Minister, and shall embody in such report a table of higher contributions which he considers sufficient, and no society shall be allowed to register unless it be shown to the satisfaction of the Registrar that the contributions which it proposes to charge are adequate to provide for the benefits which it undertakes to grant.

(4) No society shall be registered under a name identical with that under which any other existing society is registered or so nearly resembling such name as to be likely, or in any name likely, in the opinion of the Registrar, to deceive the members of the public as to its nature and its identity, and no society shall change its name without the sanction of the Registrar.

Certificate of registration.

8. The Registrar, on being satisfied that a friendly society has complied with the provisions as to registration required by this Act, and that the rules of such society are in accordance with the provisions of this Act, shall, subject to the approval of the Minister, issue to such society a formal certificate of registration in the form set forth in the Schedule A. to this Act.

Appeals from refusal to register.

9. If the Registrar shall refuse to register any society or the rules or amended rules of any society, such society may apply to the court for an order compelling him so to register the said society, rules or amendments, and the court may make such order and give such directions as may be necessary and the circumstances of the case may require.

Cancelling and suspending of registration.

10. With respect to the cancelling of the registration of friendly societies, the following provisions shall have effect:

(1) The Registrar may cancel the registration of a friendly society by writing under his hand (*a*) at the request of such society, evidenced in the manner provided in sub-section three of this section, (*b*) with the approval of the Minister, on proof to his satisfaction that a certificate of registration has been obtained by fraud or mistake, or that a society exists for an illegal purpose, and has wilfully, and after notice from the registrar, violated any of the provisions of this Act, or has ceased to exist.

(2) The Registrar, in any case in which he might, with the approval of the Minister, cancel the registration of a society, may suspend the same by writing under his hand for any term not exceeding three months, and may, with the approval of the Minister, renew such suspensions from time to time for the like period.

(3) Not less than three months' previous notice in writing, specifying the ground of any proposed cancellation or suspension of registration, shall be given by the Registrar to a society before the registration of the same can be cancelled (except at its request, expressed by a majority of not less than three-fourths of the members of such society, at a meeting specially called for the purpose) or suspended; and notice of every cancellation or suspension shall be published in the "Gazette," and in some newspaper circulating in the district in which the registered office of the society is situated, as soon as practicable after the same takes place.

(4) Any society whose registration has been cancelled, or has been suspended for a period of six consecutive months, may apply to the court for an order compelling the Registrar to place the society again upon the register, or to rescind the suspension, as the case may be.

(5) A society whose registration has been suspended or cancelled, shall from the time of such suspension or cancelling (but if suspended, only whilst such suspension lasts) absolutely cease to enjoy, as such, the privileges of a registered society, but without prejudice to any liability previously incurred by such society which may be enforced against the same, as if such suspension or cancellation had not taken place.

Power to amend rules.

11. It shall be lawful for any friendly society, by a resolution at a meeting specially called for that purpose, to alter, amend, or rescind any of its rules, or to make new rules, but no amendment of a rule or new rule made by a registered society shall be valid unless the same has been registered under this Act, for which purpose copies of the same, signed by three members and the secretary, shall be sent to the Registrar, who shall, if satisfied that such amendment or new rule is not contrary to the provisions of this Act, issue to the society a certificate of registration in the form set forth in the Schedule B. to this Act, which shall be conclusive evidence that the same has been duly registered.

Registered office.

12. Every registered friendly society shall:

(1) Have a registered office to which all communications and notices may be addressed, and send to the registrar notice of the situation of such office, and of every change of such situation.

Copies of rules to be delivered on demand.

(2) Deliver to any person demanding the same, a copy of the rules of the society, on payment of a sum not exceeding 1*s.* for each copy so delivered, and if any person shall, with intent to mislead or defraud, give to any other person a copy of any rules, laws, regulations, or other documents other than the rules for the time being registered under this Act, on the pretence that the same are existing rules of a registered society, or that there are no rules of such society, or give to any person a copy of any rules on the pretence that such rules are the rules of a registered society, when the society to which such rules apply is not registered, the person so offending shall be deemed guilty of the crime of fraud.

Trustees to be appointed.

13. Every friendly society registered under this Act shall from time to time, at a meeting called for that purpose, and by a resolution of a majority of the members present and entitled to vote, appoint one or more trustees of the society, and send to the registrar a copy of every resolution appointing a trustee or trustees signed by the trustee or trustees so appointed, and by the secretary of the society.

Property to be vested in Trustees.

14. All property whatsoever, movable and immovable, including books and papers belonging to any friendly society registered under this Act, shall be vested in such trustee or trustees for the time being, for the use and benefit of such society and the members thereof, and the movable or immovable property of any branch of such society shall be vested in the trustees of such branch, and be under the control of such trustee or trustees, and, upon the removal, resignation, or death of any such trustee or trustees, the same shall vest in the succeeding trustee or trustees for the same estate and interest as the former trustee or trustees had therein, without any cession, transfer, or assignment whatsoever, and in all actions or suits or indictments in any court, the same shall be stated to be the property of the person or persons for the time being holding the said office of trustee, in his or their proper name or names, as trustees of such society without any further description.

Trustees to bring and defend actions.

15. The trustee or trustees of any such society are hereby authorised to bring or defend, or cause to be brought and defended, any action, suit, or prosecution in any court, touching or concerning the property, right, or claim to property of the society, for which he or they are such trustee or trustees as aforesaid. And such trustee or trustees shall or may, in all cases concerning the immovable and movable property of such society, sue and be sued in any court, in his or their proper name or names, as trustee or trustees, without any other description; and no such action, suit, or prosecution shall abate or be discontinued by the death of such person, or his resignation or removal from office of trustee, but the same shall and may be proceeded in, by or against the succeeding trustee or trustees, as if such death, resignation, or removal had not taken place; provided that every such prosecution shall be commenced under, and subject to, the law in force respecting private prosecutions.

Liability of trustees.

16. No trustee or trustees of any such society shall be liable to make good any deficiency which may arise or happen in the funds of such society, but shall be liable only for the moneys which shall be actually received by him or them on account of such society.

Investment of society's funds.

17. The trustee or trustees of every friendly society established under this Act shall, from time to time, with the consent of the committee of management of such society, or of a majority of the members of such society present at a general or special meeting thereof, or in accordance with the rules of such society, invest the funds of such society, or any part thereof, to any account in any bank on deposit, or in Government or municipal securities, or in the Post Office Savings Bank, or in first mortgage upon immovable property, or on such security as the rules of such society may direct, not being the purchase of immovable property except where a society may have a mortgage on such property, and not being personal security. A society may, however (if the rules thereof so provide), for the purpose of holding the meetings and transacting the business of such society, hold, purchase, or take on lease, in the names of the trustees for the time being of such society, any land, and may sell, exchange, mortgage, lease, or build upon the same, with the power to alter and pull down buildings and again rebuild, and no purchaser, assignee, mortgagee, or tenant shall be bound to inquire as to the authority for any sale, exchange, mortgage, or lease by the trustees, and the receipt of the trustees shall be a discharge for all moneys arising from, or in connexion with, such sale, mortgage, or lease; provided that no moneys shall be expended in the purchase, as aforesaid, of any land, or in building, pulling down, altering, or rebuilding any building forming part of any fund that was not specially contributed for that purpose, unless out of a clear surplus of such fund over and above the sum of 10*l.* for every person interested therein, or forming part of any fund applicable for any of the purposes of section three, sub-section (*c*) of this Act, unless out of a clear surplus of such fund over and above the sum of 1*l.* for every 2*l.* payable on the death of all the persons for the time being interested therein; provided, further, that the provisions of this section shall not affect or apply to any funds of any friendly society already invested at the time of the taking effect of this Act, unless and until such funds shall again be uninvested.

Treasurer to give security.

18. The treasurer of every friendly society established under this Act, or any other officer who is required by the rules to give security, shall, before he take upon himself the execution of his office, become bound, with one or more sufficient sureties, in a bond as near as may

be to the form set forth in Schedule C. to this Act, in such penal sum as the society or committee of management shall direct and appoint; and every such bond shall be given to the trustee or trustees of the said society for the time being, and shall be, by him or them, duly registered. And if the said bond shall become forfeited, it shall be lawful for such trustee or trustees to sue upon such bond for the use of such society.

Treasurer to render accounts to Trustees.

19. Every such treasurer or other officer, at such time as, by the rules of such society, he should render such account as is herein-after mentioned, or upon being required so to do by the trustee or trustees of such society, or by a majority of the said committee of management, or by a majority of the members present at a meeting of the said society, called for that purpose within seven days after such requisition, shall render to the trustee or trustees of the society, or the said committee of management, or to the members of such society at a meeting of the society, a just and true account of all moneys received and paid by him since his appointment, or since he last rendered an account, and of the balance then remaining in his hands, and of all bonds or securities of such society, which account the said trustee or trustees, or committee of management, shall cause to be audited by some fit and proper person or persons by them to be appointed; and such treasurer thereunto required, upon said accounts being audited, shall forthwith hand over to the said trustee or trustees the balance which, on such audit, shall appear to be due from him; and shall also, if required, hand over to such trustee or trustees all securities and effects, books, papers, and property of the said society in his possession or custody; and if he fail to do so, the trustee or trustees of the said society may sue upon the bond aforesaid, or may sue such treasurer in any court having jurisdiction, for the balance appearing to have been due from him, and for all moneys received by him on account of said society and not paid over, and for the securities and effects, books, papers, and properties in his possession or custody, leaving him to set off in such action the sums, if any, which he may have paid on account of said society, and in such action, the trustee or trustees shall be entitled to recover their full cost of suit, to be taxed as between attorney and client.

Audit.

20. Every friendly society registered under this Act shall—

(1) Once every year submit its accounts for audit to two or more persons appointed as the rules of the society provide, such auditors to have access to all the books and accounts of the society and to examine the general statement of the receipts and expenditure, funds, and effects of the society, and verify the same with the accounts and vouchers relating thereto, and either to sign the same as found by them to be correct duly vouched and in accordance with law, or specially report to the society in what respects they find it incorrect, unvouched or not in accordance with law. Such audit in every case where practicable to include an examination and comparison of the entries on the pence cards of the members with the corresponding entries in the receipt or cash book of the society, and the auditors to state in their report whether such examination and comparison have been made and with what result.

Annual Returns.

(2) At least once in every year before the 1st day of June send to the Registrar a general statement (to be called the annual return) of the receipts and expenditure, funds, and effects of the society as audited, which shall show separately the expenditure in respect of the several objects of the society, and shall be made out to the 31st December, then last inclusively, and a copy of the auditors' report shall accompany such annual return, and such annual return shall state the name, address, and calling or profession of the auditors and the manner in which and the authority under which they were respectively appointed; and there shall also be sent with such general statement a list of the members of the society, together with the age of each, and the periods of sickness, the deaths and other contingencies in respect of which benefits are given by the society, experienced by the society during the year ending as aforesaid, specifying the members in respect of whom such sickness, deaths, or contingencies have been experienced, and such other information as the Registrar, with the approval of the Minister, may from time to time prescribe.

Quinquennial valuation.

(3) Once at least in every five years furnish to the registrar full statistical information, to enable him to make, or cause to be made, an actuarial valuation of the liabilities and assets of the society. After such valuation has been made the registrar shall send a statement of the results with a full report thereon to be circulated by the officers of the society amongst its members.

Inspection of books.

(4) Allow any member or person having an interest in the funds of the society to inspect the books during business hours at the registered office of the society or at any place where the same are kept.

Supplying copies of annual returns.

(5) Supply gratuitously every member or person interested in the funds of the society, on his application, with a copy of the last annual returns of the society for the time being.

(6) Keep a copy of the last annual balance sheet for the time being, and of the last quinquennial valuation for the time being, together with a report of the auditors, if any, always hung up in a conspicuous place at the registered office of the society.

Returns to be in prescribed form.

21. Every annual, quinquennial or other return, abstract of valuation, and other document required for the purposes of this Act shall be made in such form and shall contain such particulars as the Registrar shall, subject to the approval of the minister, from time to time prescribe.

Minors may be members of society.

22. A person under the age of twenty-one may be elected and admitted a member of any society established under this Act, the rules of which do not prohibit such election, and may, and he is hereby empowered, to execute all necessary instruments, and to give all necessary acquittances: Provided that, during minority, he shall not be competent to hold any office of trustee or treasurer of such society.

Funeral expenses of child under 10, medical certificate required before payment of.

23. In any society in which a sum of money may be insured, payable on the death of a child under ten years of age, it shall not be lawful to pay any sum for the funeral expenses of such child, except upon production of a certificate signed by a qualified medical practitioner, stating the probable cause of death; and no trustee or officer of any society, upon an insurance of a sum for the funeral expenses of any child, shall knowingly pay a sum which shall raise the whole amount receivable from one or more than one society for the funeral expenses of a child under ten years to a sum exceeding six pounds: and any such trustee or officer who shall make any payment otherwise than as aforesaid, shall be liable to a penalty not exceeding ten pounds upon the conviction thereof before the resident magistrate of the district in which such death shall have taken place.

Power of trustees to subscribe to hospitals, &c.

24. The trustee or trustees of any friendly society registered under this Act may, out of the funds thereof, subscribe to any hospital, infirmary, charitable or other provident institution, such annual or other sum as may be agreed upon by the committee of management, or by a majority of the members at a meeting called for that purpose, in consideration of any member of such society, his wife, child, or other persons nominated, being eligible to receive the benefits of such hospital or other institution, according to the rules thereof.

Decision of disputes between members and officers of society.

25. Every dispute between any member or members of any society registered under this Act, or any person claiming through or under a member, or under the rules of such society, and the trustee, treasurer, or other officer, or the committee thereof, shall be decided in manner directed by the rules of such society; but an appeal from any such decision may be made to the court or to the resident magistrate's court of the district within which the usual or principal place of business of the society in this colony shall be situated.

Arbitration in certain cases.

26. Application for the removal of any trustee, or for any other relief, order, or direction, or for the settlement of disputes that may have arisen in any society, the rules of which do not prescribe any other mode of settling such disputes, or to enforce the decision of any arbitrators, or to hear or determine any dispute, if no arbitrator shall have been appointed, or if no decision shall have been made by the said arbitrator within forty days after application has been made by the member or person claiming through or under a member, or under the rules of the society, may be made to the court, or to the resident magistrate's court of the district within which the usual or principal place of business of the society in this colony shall be situated; and the court, or resident magistrate's court, shall, upon the application of any person interested in the matter entertain such application; and either of the

said courts, as the case may be, may give such relief, and make such order and direction in relation to the matter of such application as may be necessary, and the circumstances of the case may require.

Dissolution of society—powers of members for.

27. It shall be lawful for the members of any friendly society established under this Act at some meeting of such society to be specially called in that behalf, to dissolve and determine the said society by consent: provided that no society established under this Act shall be dissolved or determined, without obtaining the votes of five-sixths in value of the then existing members, and, for the purpose of ascertaining the votes of five-sixths in value of the members as aforesaid, every member shall be entitled to one vote, and an additional vote for every five years that he may have been a member of said society; but no one member shall have more than five votes in the whole; and such society shall not be determined and dissolved, unless all persons then receiving or entitled to receive any relief, annuity, or other benefit from the funds thereof, shall first have testified under their hands that such claim is duly satisfied to the satisfaction of the Registrar or unless adequate provision is made for satisfying such claim. And the intended appropriation or division of the funds or other property shall be fairly and distinctly stated in the agreement for dissolution, prior to such consent being given: and the agreement for such dissolution, accompanied with a declaration by one of the trustees, that the provisions of the Act have been complied with, shall be transmitted to the Registrar to be by him filed with the rules: and such agreement shall thereupon be an effectual discharge to the trustees, treasurer, and other officers of such society, and operate as a release from all the members of the society to such trustees, treasurers and other officers: and it shall not be lawful in any society to direct a division or appropriation of any part of the stock thereof, except for the purpose of carrying out the general objects declared in the rules, as originally certified, unless the claim of every member is duly satisfied, or adequate provision be made for satisfying such claim, and in case any member of any such society shall be dissatisfied with such provision, it shall be lawful for him to apply to the Court, upon motion for relief or other order, and such court shall make such order or direction in relation thereto as the nature of the case may require.

Prosecution of person misappropriating society's funds.

28. If any officer, member, or other person representing himself to be a member of any Friendly Society established under this Act, or the nominee, executor, administrator, or assignee of a member thereof, or any person whatsoever, by false representation or imposition, shall obtain possession of any moneys, securities, books, papers, or other effects of such society, or, having the same in his possession, shall withhold or misapply the same, or shall wilfully apply any part of the same to purposes other than those expressed or directed in the rules of the society, or any part thereof, the person so complained of may upon the complaint or information of the trustees, or any officer or member of the society, be prosecuted before the resident magistrate's court, having jurisdiction over the locality where the offence may have been committed; and if the magistrate presiding shall determine the said complaint proved against such person, he shall order such person to deliver up all such moneys, securities, books, papers, or other effects to the society, or to repay the amount of money applied improperly, and to pay, if he should think fit, a further sum of money, not exceeding twenty pounds sterling, together with necessary costs, and in default of such delivery of effects, or repayment of such amount of money, or payment of such penalty and costs, the person so convicted may be imprisoned with or without hard labour, for any period not exceeding three months: Provided that nothing herein contained shall prevent the said party from being proceeded against by indictment: Provided also, that no person shall be proceeded against by indictment, if a conviction shall have been previously obtained for the same offence under the provisions of this Act.

Penalties.

29. If any friendly society registered under this Act shall—

(*a*) Fail to give any notice, send any return or document, or do, or allow to be done, any act or thing which the society is by this Act required to give, send, do, or allow to be done;

(*b*) Wilfully neglect or refuse to do any act or thing, or to furnish any information required for the purposes of this Act, by the Registrar or other person authorised under this Act, or do any act or thing forbidden by this Act;

(*c*) Make a return or wilfully furnish information in any respect false or insufficient;

such society shall be liable to a fine of not less than one pound and not more than five pounds, recoverable at the suit of the registrar.

30. For the purpose of carrying out the provisions of this Act the Registrar shall from time to time, with the approval of the minister

(1) Prepare or cause to be prepared, and cause to be circulated for the use of friendly societies, model forms of accounts, balance sheets, and valuations. Preparation of model forms.

(2) Collect from the returns under this Act and from other sources, and publish and circulate either generally or in any particular district, or otherwise make known such information on the subject of the statistics of life and sickness, and the application thereof to the business of friendly societies, and from time to time publish generally or in particular districts such particulars of their returns and valuations and such other information useful to the members of and the persons interested in friendly societies, whether registered or not, as the Registrar shall from time to time think fit. Collection of information.

(3) Cause to be constructed and published tables for the payment of sums of money on death, in sickness or old age or on any other contingency forming the subject of an assurance authorised under this Act, which may appear to be calculable. Such tables shall be calculated so as to show the minimum contributions which should be charged for the various kinds of benefits, and no society shall be admitted to registration unless it adopts such tables or some other tables which do not show lower rates of contribution, in the case of all members admitted subsequent to the date of registration. Construction of tables.

31. All rules, documents, &c., which have been lodged with the Registrar of Deeds by societies registered under the Act of 1882 shall, as soon as practicable, after the registration under this Act of the societies to which they relate, be transferred to the custody of the Registrar appointed under this Act. Rules, &c., under Act of 1882 to be transferred to Registrar.

32. There shall not be paid by any Friendly Society registered under this Act, any fee for such registration or for anything done by the Registrar in pursuance of this Act. No fee for registration.

33. This Act may be cited as "The Friendly Societies Act, 1892." Short title.

SCHEDULE A.

Form of Certificate of Registration of Society.

The Society is registered as a Friendly Society under the Friendly Societies Act, 1892, this day of

A.B.,
Registrar of Friendly Societies.

SCHEDULE B.

Form of Certificate of Registration of Amendments of Rules.

The foregoing amendment of the rules of the Society is registered under the Friendly Societies Act, 1892, this day of

A.B.,
Registrar of Friendly Societies.

SCHEDULE C.

Form of Bond.

Know all men by these presents, that we A.B., of treasurer (or other officer) of the society established at , in the district of , and C.D. of (as surety on behalf of the said A.B.) are jointly and severally held and firmly bound to E.F., of , and G.H., of , the trustees of the said society, in the sum of to be paid to the said E.F. and G.H. as such trustees, or their successors, trustees for the time being, or their certain attorney, for which payment to be well and

truly made we jointly and severally bind ourselves, and each of us, our heirs, executors, and administrators as well as our and each of our property according to law, renouncing as we hereby renounce all and every exception which may by any law or custom be made by sureties or otherwise.

This done at , this day of , 18 . .

A.B.
C.D.

Witnesses:

I.K.
L.M.

Whereas the above bounden A.B. has been duly appointed treasurer (or other officer) of the society, established as aforesaid, and he, together with the above bounden C.D., as surety and co-principal debtor, have entered into the above-written bond, subject to the conditions hereinafter contained.

Now, therefore, the condition of the above-written bond is such that if the said A.B. shall do and faithfully execute his office of treasurer (or other officer) of the said society, established as aforesaid, and shall make and render a just and true account of the moneys received and paid by him, and shall do and pay over all the moneys remaining in his hands and assign and transfer, or deliver all securities and effects, books, papers and property of or belonging to the said society, in his hands or custody, to such person or persons as the said society shall appoint, according to the rules of the said society, together with the proper or legal receipts or vouchers for such payments; and likewise shall and do in all respects well and truly perform and fulfil his office of treasurer (or other officer) to the said society according to the rules thereof, then the above-written bond shall be void and of no effect, but otherwise shall be in full force and effect.

A.B.
C.D.

Witnesses:

I.K.
L.M.

APPENDIX B.

BOOKS and PAMPHLETS bearing on LABOUR QUESTIONS in CAPE COLONY and NATAL, now in the LIBRARY of the ROYAL COMMISSION ON LABOUR.

1. Laws. Natal.
   - No. 18, 1862. Masters and servants.
   - ,, 23, 1865. ,, ,,
   - ,, 15, 1871. Obtaining labour.
   - ,, 17, 1882. Masters and servants.
   - ,, 12, 1885. ,, ,,
   - ,, 34, 1887. Burial of servants.
   - ,, 21, 1888. Registration of native servants.
   - ,, 3, 1891. Masters and servants.
2. Government Notices. Natal.
   - 391, 1889. Regulations dealing with Safe-Mining.
   - 705, 1889. Further regulations.
   - 377, 1890. Further regulations.'
3. Natal Ordinances, Laws, and Proclamations, 1843–1870.
4. Memorandum by the Secretary for Native Affairs in respect to "Native Labour," 1891.
5. Reports of the Select Committee on the Labour Question, Cape Colony, 1890, 1892.
6. Reports on the Management and Discipline of Convict Stations and Prisons, 1889.
7. Reports by the Inspector of Diamond Mines in Griqualand West, 1889 and 1890.
8. Employers' Liability Act. Cape of Good Hope, 1886.
9. Report of the Select Committee on Griqualand West Trade and Business, 1891.
10. Acts of Parliament of the Colony of the Cape of Good Hope, 1884.
11. Reports by the Government Actuary upon Friendly Societies, 1890.
12. Text of Bill to repeal Friendly Societies Act of 1882, and to make other provisions in lieu thereof.
13. Masters and Servants Act. Cape Colony, November, 15th, 1856.
14. Masters and Servants Act. Cape Colony, November 18th, 1873.
15. Act to Amalgamate the Law relating to Masters, Servants, and Apprentices, November 28th, 1874.
16. Masters and Servants Act, November 7th, 1875.
17. Law to Consolidate Law as to Mining, Natal. No. 34, 1888.

REPORT ON THE LABOUR QUESTION IN THE CROWN COLONIES.

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REPORT ON THE LABOUR QUESTION IN THE CROWN COLONIES.

I.—CEYLON, THE STRAITS SETTLEMENTS, NORTH BORNEO AND THE FIJI ISLANDS.

1. Importation of labour.

Labour on tea and coffee plantations in Ceylon, in the mines or on the estates of the Straits Settlements and North Borneo, and in the sugar and fruit plantations of the Fiji Islands is largely carried on by Coolies, imported into Ceylon from India, into the East Indian Colonies from India, China and Java, and into the Fiji Islands from India and the Islands of Polynesia. These imported labourers are in some cases free and in others bound by contract for a certain term of years. Coolie immigrants in Ceylon are free to terminate their engagement at a month's notice, and there is a constant stream of Tamil coolies passing between that island and Southern India. In 1890, the immigrants numbered 52,769 and the emigrants numbered 46,085. In the Straits Settlements and in Northern Borneo the majority of the imported labourers are engaged on the contract system, receive their passage money in advance, and are bound to their employers for a term which may be extended if they have not discharged their indebtedness. Such of the labourers as are free receive better wages than the rest and are thought to do a greater amount of work; but on the other hand employers cannot secure a sufficient number of them nor rely on their services for any length of time.(1)

2. Methods of importation.

(a.) Of Indian labour into Ceylon.

The methods of importing coolie labour vary very little in the different colonies, and are in all cases liable to the same abuses, especially where contract labour is concerned. According to the investigations of a Commission appointed in 1878, employers in Ceylon engage a coolie returning for a time to India to act as a "kangany," or recruiting agent, and to bring back a fresh supply of labour. The exact number of men required is not stated, but the kangany is entrusted with a certain sum of money to be expended in advances to coolies, which advances are afterwards recovered out of the wages of their labour. According to the evidence of some witnesses a considerable portion of this sum never reached the coolies at all, but was paid by the kangany to the Ceylon bazaar keepers, to whom he was usually in debt. On the other hand an employer stated that large sums reached India, but that they were often paid to the friends of the coolies rather than to the coolies themselves. Similarly the agents and brokers employed in the Straits Settlements and in Northern Borneo to engage coolie labour in China are often obliged to bribe parents to permit the departure of their sons as well as to make presents to Mandarins and their officers, to induce them to connive at the practice of recruiting.(2)

(b.) Of Indian labour into the Straits Settlements and North Borneo.

Indian emigration to the Straits Settlements dates from the beginning of the present century and prior to 1857 it was unfettered by legal restrictions. The Acts of 1857 and 1859 provided against the overcrowding of emigrant ships, and an Act of 1864 made it illegal to advance passage money on conditions of service. Nevertheless, emigration on the contract system was continued up to 1870, and though it was suspended from 1870 to 1872 through the action of the Madras Government, the exemption of the Straits Settlements from the operation of the Emigration Acts led to its resumption in 1872. In that year, however, recruiting agents were required to bring all coolies whom they engaged before a magistrate at Negapatam and to state all particulars as to the mode in which the passage money was to be repaid, the diet to be given during the voyage, the wages to be paid, the nature of the work to be performed, the duration of the engagement and the provision made for the coolie's return to his home. Emigration was restricted to certain ports approved by the Madras Government; an emigration agent was appointed for each port by the Government of the Straits Settlements, as well as a Protector of Emigrants by the Government of Madras. No recruiting was allowed except by persons holding the protector's licences, and written contracts specifying the minimum wages and the maximum term of employment were required in every case. A Protector of Immigrants, nominated by the Governor of Madras, was also appointed in the Straits Settlements, but these regulations were gradually relaxed as the Indian Government became convinced that the reports of the ill-treatment of coolies were greatly exaggerated, and that the welfare of Indian emigrants to the Straits Settlements was best left in the hands of the Straits Government. By an ordinance of 1884, issued by that Government, no contract could be concluded with any coolie until he arrived in the Settlement. Since that time the Straits Government have subsidised a line of steamers from Negapatam with the object of securing good accommodation at reasonable rates for intending immigrants. A Government depôt was opened in Negapatam in 1890, and a strict medical inspection of all emigrants instituted, with the result that the physique of the labourers arriving in the Settlements has greatly improved. Under existing regulations the agents of large firms, licensed by a qualified magistrate to engage in recruiting, collect the coolies, who are then drafted to the Government depôt to undergo medical inspection. After being passed by the medical inspector the coolie is further examined by the Protector of Emigrants for the purpose of ascertaining whether he is leaving of his own free will. On arrival at Penang the coolies are again examined by the Indian Immigration Agent or his assistant, and free coolies are dismissed with the caution that they must not proceed to Sumatra or to any other country which has made no convention with the Indian Government concerning emigration. Coolies whose passage money has been advanced are detained in the depôts until they have signed their contracts, and are then handed over to their employer's agents to be conducted to the estates on which they are to work. In spite, however, of all these regulations it is doubtful whether all the coolies engaged have any clear understanding of the terms of their contract, and it is often alleged that recruiting agents obtain their consent by making false representations, or even employ force to bring them over. North Borneo has recently been recognised by the Indian Government as a place for which labour may be recruited in India, but little use has as yet been made of the permission. The cost of importing coolies from India into the Straits Settlements is $20, of which $8 are recoverable; the other $12 represent the agent's expenses and commission.(3)

(c.) Of Chinese labour into the Straits Settlement and North Borneo.

The question of the treatment of Chinese immigrants was brought to the notice of the Straits Government in 1872 and 1873 by petitions from Chinese merchants and citizens to protest against the kidnapping of newly arrived immigrants and the overcrowding of the vessels which brought them to Singapore. Police regulations were accordingly issued, and a system of registration instituted; but abuses still continued, and in 1877 the Chinese interpreter laid before the Council a report "revealing a scandalous state of things." An ordinance in council was issued in consequence appointing a Protector and an Assistant Protector of Chinese, and authorising the establishment of depôts for the reception of Sin-Khehs, or newly arrived Chinese immigrants, and for the registration of labour contracts. A second ordinance of the same year imposed a penalty on all who by force or fraud induced any labourers to leave the colony for service elsewhere; this ordinance was designed to protect Chinese labourers from being carried off against their will to work in Penang or Sumatra. According to an ordinance of 1880 immigrants who have not paid their passage money, or had it paid for them by their future employer, must on arrival in Singapore be placed in depôts under Government supervision, and may be detained there for a period of ten days, until they have obtained employment and the employer has paid the passage. This ordinance was designed to prevent brokers from bringing over coolies as a speculation and involving the coolies in heavy obligations far exceeding the cost of transport and requiring years of service to discharge. A legal decision of 1890 interpreted this ordinance as

(1) Report of the Commission on Labour in the Straits Settlements, 1890, pp. 10, 11. Imperial Institute Year Book, 1892, p. 453.

(2) Report of Commission on Coolie Labour in Ceylon, 1878, p. vi. Minutes of Evidence, pp. 10, 11, 13, 16, 19, 29, 32, 36, 42, 46. Report of Commission on Labour in the Straits Settlements, 1890: Evidence pp. 8, 11, 14.

(3) Report of Commission on Labour in the Straits Settlements, 1890, pp. 36, 37, 39, 40, 41, 44: Evidence, pp. 182, 195.

including only those whose passage money had not been paid by some particular person, and in consequence the depôt keepers were left without any whom they might detain, until a temporary measure of 1891 gave them the right of detaining all who had not paid their own passage. Chinese immigrants, therefore, who pay their own passage, whether in reality or in name, are free to go where they please. They constitute an increasing majority of the total number of immigrants, and in 1889 numbered 86,630 at Singapore and 35,190 at Penang. "Credit ticket" passengers are recruited after the same fashion as Indian coolies by recruiting agents who draft them into depôts at Swatow or Hong Kong, whence they are consigned to an agent at Singapore, and if not already engaged are lodged in a licensed depôt until they find employment. These recruiting agents, or brokers, are frequently men of a very low class, and complaints are numerous of the unscrupulous manner in which they accomplish their ends. Recruiting is in consequence regarded with great disfavour by the mandarins, and it has often been necessary to send back immigrants, who have been enticed away against their will, in order to save the broker, who had forwarded them, from punishment. A depôt keeper stated that he had sent back ten men in one year and had lost the money paid for their transport, as well as all advances made to them. Individual firms have endeavoured to dispense with the services of these recruiting agents and to engage the coolies direct; but, though they have succeeded in some instances, in others the coolies took advantage of the absence of a contract to run away shortly after their arrival. Agents are employed in Singapore to go round to the depôts with a doctor and to select suitable labourers for given employers on the Peninsula, in Penang or in Sumatra. The agent obtains a photograph of every labourer selected, and forwards a copy of it to the protector of Chinese, whilst retaining another for himself. The broker or depôt keeper is thus prevented from substituting inferior labourers from those chosen. On the day of sailing the coolies are taken to the Chinese protectorate, where they are identified by means of their photographs, and all contracts made with them are signed in the presence of the Protector. The depôt keepers in Singapore pay from $30 to $60 to the agents in China for every coolie landed in their depôt. There is much difference of opinion as to the sum paid by employers to the depôt keepers; according to one witness it is $85 or $90, and at a time when labour is scarce as much as $125. Another depôt keeper stated that he only received $18 from the Kheh-Thau, or head man, who recruited labour for the mines of Penang, for every labourer provided. Out of this $18, $15 represented the cost of food and travelling expenses, whilst $1 was for clothes and 25 cents for the doctor. The Kheh Thau was said to sell the coolies in Klang for $24 or $25, thus making a profit of $6 or $7. According to this witness, therefore, the profits of the depôt keepers amount to $2 for each coolie, but others give them as $4 or $10, and an employer as from $10 to $20.(1)

(d.) Of natives of Java and of the Malay Peninsula into the Straits Settlements.

A large number of Javanese and Malays are employed in the Straits Settlements, the Native States, Sumatra, and Borneo, and it is said that more Javanese would be willing to emigrate but for the difficulty in obtaining the consent of the Dutch Government. This must be done through the Consul-General at Singapore. They are engaged in the same manner as Chinese and Indian coolies by means of agents, and are consigned to depôts where employers can select such labour as they require. The expense of delivering a Javanese labourer in Singapore is $25, including advances, which usually amount to $18, but vary according to the length of the contract. The cost of engaging a Javanese labourer in Singapore for Pahang is $31.(2)

5. Wages and conditions of labour.

Tamil coolies employed in Ceylon are free to quit their employment with one month's notice, and the same rule obtains in the case of the greater number of Indian coolies employed in the Straits Settlements. A fair proportion of these Indian coolies, however, as well as almost all those from China, are engaged on the contract or indenture system, and are bound to serve their employer for a term of from one to three years. Three years is the maximum time for which a legal contract can be made in the case of Indian coolies, and one year is the maximum for Chinese coolies, but where the coolie has not worked off the obligations incurred for the expenses of the voyage the term is often prolonged. Every coolie must remain on his employer's estate until he has repaid all advances made to him, though for Indian coolies the sum to be repaid is fixed at $12. The coolie is, however, often kept in ignorance of his real financial position, and sometimes even of the rate of wages for which he has contracted to work. Many of the Indian coolies remain at work after they have served their time, and are then entitled to the rate of wages paid to free coolies. This on Government works in Penang and the Province of Wellesley is 20 cents a day for the days actually worked, but with hut accommodation free; in private employment the rate is lower. At Singapore the Government rate is 23 or 24 cents for each day actually worked, and the municipal rate is 24 to 25 cents. One private employer is reported to pay 25 cents a day, with two cents extra for regular work and seven days pay for a working week of six days. At Perak the rate of payment for all classes of employment is 30 cents a day with hut accommodation free, whilst in the Native States wages are sometimes as high as 35 cents a day. Free medical attendance and garden and pasture land are given to the free coolies employed on estates in Wellesley province. The average wages in Ceylon are higher; they range from 25 to 50 cents a day in the western province, in the planting districts round Kandy they are 33 cents, and in Uva 50 cents a day. Indian coolies in the Straits Settlements, who are indentured, must receive a minimum wage of 12 cents for each day actually worked, and payment for seven days when they have worked six days in the week. At the end of the year the daily wage must be increased to 14 cents if all advances have been paid off. No labourer is to be required to work more than six days in a week or more than nine hours in a day. An examination of the pay lists of three important estates in 1890 showed that the average number of days worked by a coolie in the first six months of service was eighteen a month, and in the second six months eighteen and a half. The monthly wages paid were about $2·46, or six cents more than the necessary minimum. Fifty-five cents a month were retained to repay expenses instead of the $1 to which the law entitled the employers; but the small amount which would have remained had the $1 been retained proves that the rate fixed is exceedingly low. In the second year, the average number of days worked was 20 a month, for which 22 days' pay, or $3.15 was received, minus 15 cents, which were still due in repayment of advances. The cost of living to a coolie is from seven to eight cents a day. Javanese labourers receive $8 or $9 a month, and usually enter into contracts from eight months to three years. The wages paid to Chinese coolies vary according to the kind of work upon which they are engaged. Those employed on tobacco plantations receive about $12 a month, subject to a monthly reduction, until they have paid off the $40 which they received in advance. On sugar plantations indentured labourers receive from 14 cents to 20 cents a day, whilst the wages of dock labourers are $6 a month. Coolies employed in tin-mining are paid $30 a year, with the option of earning extra wages by overtime. Those engaged in the Klang mines receive $12 a year with food and clothing. A few in Perak work on the co-operative system, and their profits are said to be at the rate of about 30 cents a day. At the end of the eighth month they receive seven-tenths of their wages and the balance is paid at the end of the year. Many of the coolies employed on tobacco and sugar plantations are allowed a small plot of ground, the cultivation of which adds to their earnings.

Free Chinese coolies are paid at a somewhat higher rate. On estates they can earn 25 cents a day, and on public works 32 cents, whilst dock labourers get from $7 to $9 a month, with food, and extra hands 35 cents a day. Consequently those coolies who do not waste their earnings in gambling, contrive to amass considerable savings. One coolie stated before the Commission appointed to inquire into the conditions of labour in the Straits Settlements in 1890 that in ten years he had saved $2,000 or $3,000. Employers state that in Deli a good coolie can save from $150 to $250 a year, whilst from $50 to $60 would in Penang be considered a more probable sum. The desire to save leads coolies to stint themselves in food, and some employers have tried to counteract this tendency by providing food on the

(1) Report of the Commission on Labour, 1890, pp. 5-8, 11, 13. Evidence, pp. 2, 8, 10, 11, 13, 14, 23, 26, 27, 29, 37, 131, 135. Straits Settlements, Reports for 1891, pp. 25, 26. The sterling value of the Mexican silver dollar (which is the standard coin in the Straits Settlements, Hong Kong, and Shanghai is) about 2s. 8d. For the introduction of the silver dollar into the Far East, *see* "History of Currency in the British Colonies and India," by Robert Chalmers, of Her Majesty's Treasury, pp. 390-394.

(2) Report of Commission on Labour in the Straits Settlements, 1890, pp. 34, 35; Evidence, pp. 6, 7, 20.

estates, but such a plan does not meet with favour from the employés. For from seven to ten cents a day a coolie can get what he requires, which consists of curry, vegetables, fish, and rice, with an occasional fowl.

The hours of work for Chinese coolies are from seven to nine a day. Those under contract agree to work for 360 days in a year, and if they have failed to fulfil the contract they may be detained on the expiration of their term to make good the deficiency. Free coolies work from twenty to twenty-eight days a month. Complaints are not infrequent of ill-treatment on the part of the overseers, who have the coolies at their mercy, and the protector of Chinese is empowered to inspect all coolies working under contract from time to time. The coolies state that their day's task is often too severe, and that they are fined for trivial offences. On many estates wages are paid through the head man, and the manager has no personal knowledge of his employés or of the manner in which they are treated. The difficulty of preventing this ill-treatment is intensified where, as is often the case, the manager is ignorant of the language, and the coolie can only complain through the medium of the overseer, who acts as interpreter. On the whole, however, Tamil coolies are said to be well treated, and the quarters provided for them to be sufficiently comfortable, though sometimes overcrowded. Chinese coolies are often well treated, but they suffer much on arrival from the effects of the change of climate and the unusual occupation. Where allowance is not made for this, the sense of oppression produced by the length of the contract and the apparent hopelessness of freeing themselves from the obligations into which they have entered, results in permanent ill-health. In the Fiji Islands, where the inhabitants are engaged in tropical agriculture, about 1,400 native Fijians are employed at from 6*l.* to 8*l.* a year. Polynesian labourers are introtroduced at a cost of 20*l.* a head borne by the employer, and are indentured for a period of three years, at wages ranging from 3*l.* to 6*l.* a year. On banana and sugar plantations they are the best class of labourers, and they are protected by law from being employed in labour which is beyond their strength. Under the governorship of Sir Arthur Gordon, their place was to some extent supplied by East Indian coolies, introduced under a contract to work ten years in the Colony, including five years for the employer to whom they were first indentured. At the end of this period they must be provided with a free passage back to India. They are paid by the task, and receive about 1*s.* for six hours' work in addition to food and clothing. The average savings of an Indian coolie in the Fiji Islands are lower than in other colonies, except Mauritius, where the wages given are very low.(1)

4. Complaints of employers of coolie labour.

The employers of coolie labour, examined by the Commission of 1890, complained that they experienced great difficulty in securing a sufficient supply of labour, and that such labourers as they could procure were often physically unfit for the work. The scarcity of coolie labour was in part attributed to the reports of the ill-treatment of coolies which had spread to China and India and had deterred intending emigrants. Some witnesses stated that the increased demand for labour on tobacco plantations and on public works, both of which classes of work are highly paid, was responsible for the lack of coolies in other industries. One planter held that Government should import coolies direct from India and China for the public works instead of attracting those already imported by the offer of high wages. Further, the length of the period for which they are expected to engage themselves deters many Indian coolies from emigration. It is within their knowledge that a contract does not always determine at the end of the three years specified, either because the labourer has not worked the required number of days or because he is still under financial obligations to his employers. Either from this or from some other cause there has been a marked decrease in the number of Indian immigrants into the Straits Settlements. In 1884 they numbered 4,684, and in 1890 only 2,980; in 1891, however, the number rose to 3,443. Nor can this deficiency be adequately supplied by importing Javanese and Malays, for here again the bad character of the brokers engaged in the traffic deters labourers from coming to the Settlements, and the cumbrous procedure required by the Dutch Government makes it difficult for an employer to import his own labour. Complaints are numerous of the poor physique of imported labourers and their incapacity for work. In the case of Javanese labourers, this is attributed to their extreme poverty, and in addition to physical unfitness they are said to be lazy and hard to manage. They are employed for the most part in building houses, clearing land, and cutting drains, but are only of use where they like the work and where they are paid by the task. Some improvehas been effected in the case of Indian coolies by the strict medical examination to which they are subjected, before leaving the depôt at Negapatam, and it is hoped that more may be done in this direction. Great losses are often occasioned to employers and depôt keepers by the desertion of coolies before they have worked out their contract. They are often induced to run away by the hope of avoiding the repayment of their passage money, and at the same time securing work elsewhere at higher wages. Where this happens the employer has no remedy but to sue the deserter for debt, a process which is both expensive and useless, since the coolie has as a rule no effects. If a coolie working in North Borneo dies, or is obliged by ill-health to leave the country, before the advances made to him have been repaid, the outstanding amount is lost to the employer.(2)

5. Remedies proposed.

a. By the Commission of 1890 in the Straits Settlements.

To remedy these evils the Commission appointed to inquire into the state of labour in the Straits Settlements, and in the protected Native States, proposed that Government depôts should be established in Singapore for the reception of coolies on landing, and that the private brokers, who almost without exception were men of bad character, should be thus rendered superfluous. To ensure the fair treatment of coolies working on estates it was recommended that all, whether free or otherwise, should be inspected once a year by Government inspectors. Further a system of inspection by the mandarin and the Government emigration officers in China, similar to that practised in India, was thought desirable in order to ascertain whether emigrants were departing of their own free will, and thus to minimise the chances of desertion. It was also held that if recruiting were in the hands of private persons licensed by the superintendents of the depôts in China, employers might send over their own agents and thus get rid of the profits of the Chinese lodging-house keepers, and of the head men, or Kheh Thaus, and depôt keepers in Singapore. In the case of Indian coolies the Commission recommended that the Indian immigration agent should be empowered to inspect all estates upon which they work and all accommodation provided for them. They also suggested that an agent-general should be appointed who should reside in India and regulate everything connected with recruiting. They adopted the views of the Indian immigration agent, who held that all coolies should be landed in the colony free of debt and that Government should undertake the recruiting of coolies at a fixed charge to the employers, so calculated as to cover the expenses of recruiting and of transport. The Commission also adopted the suggestion of Captain Menzell that a tradesman of good character in each village should be authorised to open a registry office for intending emigrants, and that a depôt should be established in each district, to which the Government agent might bring the recruits already registered in the different villages. The recruits might then be medically inspected and passed on to the central depôt for embarkation. The abolition of the rule for Sunday pay (*see* p. 96) was recommended by the Commission, together with compensation to good workers for the loss thus incurred in the form of a diminution in the number of days' work required to complete the contract, to 720 days in the three years. In the opinion of the Commission no advances made to coolies should be recoverable except sums of money actually paid to the recruit for his own use, and the minimum rate of pay should be raised from 12 to 14 cents a day for the first 480 days work, and from 14 to 16 cents a day during the remainder of the period.(3)

b. By the Commission of 1878 in Ceylon.

The Commission appointed in 1878 to inquire into the subject of Coolie Immigration in Ceylon were chiefly concerned to ascertain the best route for immigrants,

(1) Report of the Commission on Labour in the Straits Settlements, 1890, pp. 35, 46, 47, 51, 55, 56. Evidence, pp. 4, 6, 8, 13, 18, 23, 29, 37, 55, 56, 62, 86, 93, 101, 104, 110, 112, 114, 119, 127, 128, 130, 134, 138, 148, 152, 164, 165. Imperial Institute Year Book, 1892, p. 721. Trinidad Trade and Taxes Commission, 1886, 4th day, p. 1. Letter from Secretary of British North Borneo Company, November 1892.

(2) Report of Commission on Labour in the Straits Settlements, 1890: pp. 35, 42–46; Evidence, pp. 1, 5, 9, 15, 18, 27, 40, 41, 49, 55, 76, 82, 84. Colonial Reports, Annual, No. 59, pp. 13, 14.

(3) Report of Commission on Labour in the Straits Settlements, 1890: pp. 27, 29, 30, 47, 57, 59 Evidence, pp. 60, 129, 179, 183; Appendices I., J., K.

and to devise an effective system of quarantine to guard against the introduction of cholera from India. Hitherto coolies had entered Ceylon by way of Manaar, or by sailing from Tuticorin to Colombo. If they chose the latter route they might be conveyed by train to Kandy, a distance of 75 miles, at a charge of a penny a mile, but very few availed themselves of the privilege either through ignorance, or because they supposed themselves to effect a saving by taking a walk of four days, though during that time they were earning no wages. The north road, by way of Manaar, involved a walk of many miles, and in spite of the wells and shelters provided by the Government, coolies were said to arrive so much fatigued as to be unable to work. On the other hand, if they entered Ceylon by way of Colombo it was difficult to enforce the necessary quarantine. The Commission, therefore, recommended that though no existing route should be closed for fear of deterring immigrants, a new route should be opened by way of Tuticorin and Dutch Bay, and that coolies landing in Colombo should be at once conveyed by rail to their destination and made to undergo quarantine there in any unhealthy season. The Commission also held that there was ground for complaints with regard to the overcrowding of vessels conveying coolies, and the levying of blackmail by officials both at the port of embarkation and at the resting places by the way.(1)

6. Legislation.

Chinese labour in the Straits Settlements is now regulated by the Chinese Agricultural Labourers' Protection Ordinance of 1891. This ordinance restricts the term of a contract to twelve months, including 330 days' work, which may be prolonged if advances have not been repaid, or curtailed with a month's notice and repayment of all advances with $25 in addition. Hours of work are limited to nine a day, and every labourer must have two days' holiday in each Chinese moon as well as all regular Chinese holidays without reduction of pay. If payment is made by the task, a schedule of tasks for a nine hours' day must be submitted to the protector of Chinese, and displayed in English and Chinese in a prominent position on the estate. The Ordinance also regulates the accommodation and medical attendance to be provided, and the sanitary arrangements. Any labourer absent from work by reason of sickness for more than thirty days in one year may be required to make up the time, and if absent for misconduct he must also make it up. Any complaints may be made to a magistrate, and if the complaint is frivolous the party in fault must compensate the other for loss of time. Every employer must keep a register of the coolies he employs and send quarterly returns to the protector of Chinese. The protector is empowered to inspect every estate on which coolies are employed once a year, and to examine all account books and contracts touching their employment. Employers must furnish their labourers from time to time with such accounts.

In North Borneo the importation of coolies is regulated by a special ordinance of the Governor, which also provides for the protection of their interests during the term of their employment.

Indian emigration is still regulated by the Indian Emigration Act of 1883, the provisions of which have already been described (*see* p. 96). The loading or unloading of ships on Sunday is prohibited in the Straits Settlements by an Ordinance of March 9th, 1892, unless no Europeans, Eurasians, or Native Christians are employed, or unless special permission is given by the Governor.(2)

II.—BRITISH GUIANA, BRITISH HONDURAS, AND THE WEST INDIAN ISLANDS.

Industries requiring an increased supply of labour.

Since the cession of the territory now known as British Guiana to the English Crown in 1814, the energies of the European planters have been almost entirely devoted to the cultivation of the sugar cane. Up to the year 1838 labour on the sugar plantations was almost entirely performed by the negro slaves, who in 1816 numbered 101,712 out of the 109,712 inhabitants of the colony. After the abolition of slavery it was found almost impossible to induce the freed negroes to work, and it became necessary to import labour from abroad. Portuguese settlers were first procured from Madeira and the Azores, but in 1845 they were superseded by East Indian coolies, the introduction of whom did much to rescue the sugar industry from bankruptcy. As long as this industry stood practically alone, the supply of coolie labour sufficed for the needs of the colony, but the recent development of gold-mining has drawn a large number of the labourers away from the plantations. The rapidity of this development is shown incidentally by the export statistics, which give 528 ozs. as the export for 1886, and 62,615 ozs. for 1890. The timber trade, the collection of balata and other gums, and the cultivation of bananas, also absorb a portion of the supply of labour for the colony. Recent extensions of the timber trade, as well as the diversion of some of those employed in the industry to gold-mining, have caused the demand for labour to exceed the supply. A similar state of things prevails in British Honduras, which produces great quantities of logwood and mahogany. Though the area of this colony is 7,562 square miles, only about 600,000 acres are under cultivation. Virgin soil is sold by the Crown at the rate of one dollar an acre, and holders of forest land are willing to part with it on the same terms, yet owing to the scarcity of labour the greater part of this land remains uncultivated. The principal crops raised are maize, sugar cane, bananas, and cocoa-nuts; but with sufficient labour and capital cocoa, coffee, and hemp might be grown, and the fruit trade might be greatly developed, since it finds a ready market in the United States. The chief product of the West Indian Islands, and notably of St. Lucia, Trinidad, and Jamaica, is sugar, but Trinidad produces almost an equal amount of cocoa, the total value of sugar exported in 1890 being 630,815*l.*, and that of cocoa 603,506*l.* St. Lucia, which is very fertile, also produces cocoa, logwood, tobacco, spices, and molasses, but here, as throughout the West Indies, cultivation is greatly impeded by the unwillingness of the emancipated negroes to work on estates. Hence it has for many years been necessary to import labour from elsewhere, and in 1891, out of a population of 42,220, the whites numbered 950, the East Indian coolies 2,526, and the negroes or half-breeds 38,744. In 1881 the black or coloured population of Jamaica numbered 554,132, and the coolie population 11,016, whilst in the same year there were 2,190 coolies in St. Vincent.(3)

2. Terms of the labour contract.

The importation of coolie labour from India is in all cases regulated according to the laws laid down by the Government of India, which takes every precaution to ensure that the coolie shall not enter into any engagement without being fully aware of the obligations involved. Coolies are required to serve in the colony to which they are brought for ten years (*see* p. 97); they are indentured to one employer for five years, and may then take service with any employer whom they select. At the end of the ten years every coolie is entitled to a free passage back to India for himself and for his wife and children. In Trinidad, however, he may receive a grant of 5*l.* and five acres of land, instead of this passage, if he wishes to settle in the colony. All coolies must be given lodging, board, and medical attendance in addition to their wages, and hospitals are provided for them at the expense of the revenue. The cost of importation is met in Trinidad and St. Lucia partly by the Government and partly by the planters requiring labour. Three-tenths of the cost is met by the Government in Trinidad, and the rest defrayed by the planters in the form of a duty upon sugar and cocoa. In St. Lucia one-third of the cost is met by the general revenue, and two-thirds by the planters in the form of indenture fees of 12*l.* on every adult immigrant allotted to them. One-fourth of this fee must be paid at the time of allotment, and three-sixteenths at the beginning of each of the four succeeding years. Employers must send in requisitions on a given date, and deposit 1*l.* for every immigrant for whom they apply. In St. Lucia and Jamaica there are Protectors of Immigrants with power to make an inspection either in person or by deputy every three months, and the Government medical officer must also make a monthly inspection of each immigrant. Coolies on arrival are inspected by him, and then drafted to a depôt, before being allotted to employers. Care is taken not to separate families or inhabitants of the same village more than is absolutely necessary.

(1) Report of the Commission on Coolie Labour in Ceylon, 1878, pp. v.-vii. Minutes of Evidence, pp. 5, 6, 10, 14, 16, 18, 20, 22, 24, 27, 30, 40, 42, 44.

(2) Chinese Agricultural Labourers' Protection Ordinance, 1891. Sunday Labour Ordinance, 1892. Indian Emigration Act, 1883. Letter from Secretary of British North Borneo Company November, 1892. Appendix on Migration of Labour, pp. 233-244.

(3) Imperial Institute Year Book, 1892, pp. 304, 329, 330, 343-345, 348, 349, 354.

Children under ten may not be indentured for any service on an estate, and those between ten and fifteen can only be indentured to an employer who will make provision for their instruction in reading, writing, and arithmetic. No contracts other than those entered into by permission of Her Majesty's Government are valid in the case of immigrants from any part of India or of the African Continent, or from any island adjacent to the African Continent, and inhabited by negroes. Native labourers in Jamaica can by law enter into yearly contracts with employers subject to the supervision of the Immigration Department, and on completing their term of service satisfactorily receive each a bonus of 2*l.*; they do not, however, appear anxious to avail themselves of the law. East Indian coolies imported into Jamaica cost the employer 15*l.* in cash or 17*l.* 10*s.* payable in instalments spread over five years.

Contracts with immigrants from the British possessions in the West Indies or from the North American Continent are only valid if signed in the presence of a justice of the peace or a consul, who must be able to certify that the signature of the immigrant was voluntarily made after the terms of the contract had been fully explained to him. Five years is the term for "liberated Africans" and Chinese who have entered into no contract previously, as well as for Indian coolies; three years for immigrants coming from North America, the Cape Verde Islands, and the West Indies; and two years for those from Madeira, the Azores, and the Canary Islands, but these terms can be extended if the immigrant is in debt to his employer, or has not fulfilled the proper number of days' work (*see* p. 99). All contracts are subject to the approval of the district magistrate. In Barbados and British Honduras a contract for more than one month's service must be in writing, and signed by both parties in the presence of the magistrate, and the labourer must at all times have access to a copy of this contract. No contract for more than three years is valid in British Honduras, which does not as yet employ Indian coolie labour. A written contract in the Barbados must specify all the conditions of service. Penalties are provided for breach of the contract on either side, amounting in Barbados to one month's wages, or fourteen days' imprisonment in the case of the servant, and the same sum in the case of the employer. In British Honduras the servant may be imprisoned for twenty-eight days, and if he has injured property may be fined 100 dollars. If the employer injures his servant, he may be fined 5*l.*, if he engages a servant contracted to another employer he may be fined 10*l.* If a servant dies, the employer in British Honduras must pay the balance of wages due to the magistrate, or in default thereof a penalty not exceeding 100 dollars. For supplying bad provisions the employer may be made to pay compensation at the rate of 25 cents a day. A servant in British Honduras, who, while owing money to one employer, takes service with another, may be imprisoned for three months, and any employer aiding and abetting him is liable to the same penalty. A fine of 20*l.* is imposed in Barbados for false personation, or giving a false character.(1)

3. Wages and conditions of labour.

Natives employed on the sugar plantations of British Guiana are in most cases paid by the piece, and can earn from 36 to 60 cents a day. Cane-cutters, whose work is the hardest, earn from 80 cents to $1.20 on a few plantations. It is alleged that between 1888 and 1890 the wages of cane-cutters increased from 25 per cent. to 50 per cent. and those of weeders 125 per cent. This increase is attributed to the scarcity of labour. Free houses and board are given in addition in all cases, and some employers add garden and pasture land. Women earn from 32 to 40 cents a day, and children from 12 to 16 cents. Many employers express their willingness to provide accommodation for the wives and families of imported labourers on condition of securing the services of the husbands. Men employed in gold mining come chiefly from the west coast of the colony, and include many who would not consent to work upon an estate. A miner who can perform a task of eight hours earns 64 cents; he is at liberty to perform two if he likes, and can thus double his wages. Food and lodging are supplied by the employer. Imported labour is of little use in the gold industry; coolies are not strong enough for the work, and anyone not used to the climate and the character of the drinking water will be unable to work for some time after arrival. African negroes are of most use in the timber trade, where the work is too hard for the Indian coolies or for Portuguese. Wages vary according to the ability of the employé, from 48 to 56 cents a day with food and lodging. Employés in the balata industry are drawn from the most part from the villages in Berbice. They contract to work three months on the portion of forest land granted by Government to their employer, and are supplied by his agent with provisions. They are paid at the rate of 4*s.* for a gallon of liquid gum, or 1*s.* for a pound of dried balata. Their average monthly earnings vary from $2 to $100 according to the weather. The work requires great powers of endurance, for balata collectors must often take a walk of from one to three hours' duration to reach the collecting ground. If this ground is at a great distance they may be obliged to spend the night there; in other cases, they may have to traverse miles of swamp or to wade through rivers before reaching their work. Consequently they suffer much from rheumatism and other diseases, brought on by privation and exposure. In off seasons they live upon their savings, and have few ambitions beyond the accumulation of enough money to build a house and take a wife. Platelayers in British Guiana begin at 48 cents a day, and are afterwards advanced to from 50 to 60 cents. Creoles are the best workmen, but in the towns their labour is scarce. The hours of work here, as nominally in the balata industry, are from 6 a.m. to 5 p.m. with an hour for breakfast. In the timber trade the day's work is from eight to ten hours, and on sugar plantations from six to ten hours. In Trinidad task work prevails. An indentured coolie can earn 25 cents for a task, whilst creoles and other free labourers seldom work for less than 30 cents, though wages fluctuate according to the price of sugar from 20 to 40 cents. Employers control the cost of labour by increasing or diminishing the task, while the normal rate of wages remains the same. Cocoa planters can afford to pay somewhat higher wages, and are therefore able to draw labourers away from the sugar plantations. The Consolidated Immigration Ordinance of St. Lucia, passed in 1880 and amended in 1891, is typical of West Indian legislation concerning coolie labour. According to this law men who have earned 6*s.* in two consecutive weeks, or women and children who have earned 4*s.* 6*d.*, may be given a ticket of leave for not more than seven days at a time; this leave must not amount to more than twenty-six days in a year, unless for a special cause. Employers must provide a full day's task for each labourer every day except Sundays and holidays, unless the weather makes it impossible, and must pay wages weekly. Work requiring co-operation must be paid by the day. Indentured labourers are to work nine hours a day for six days in the week, but a labourer who has earned 6*s.* by task work need not do any work for the rest of the week. Overtime may be worked by special agreement for a period of one week, but such extra work must not be for more than six hours in any one day. Overtime for men engaged as watchmen may be arranged for a month in advance. Any overtime work for which no agreement was made may not exceed three hours in one day, and all such work must be paid by the hour at the usual rate. Indentured labourers must be paid at the same rate as those who are not indentured if engaged on the same kind of work, and no wages must be paid in kind. All disputes concerning wages can be decided by the stipendiary magistrate, and he may fix wages according to the rate current in the district. There is no appeal from his decision. Employers ill-using immigrants may be fined 10*l.* or imprisoned for two months with hard labour, whilst immigrants, neglecting their work, may be fined 1*l.* or imprisoned for fourteen days; for a second offence the penalty is doubled. The houses provided for labourers are subject to Government supervision, and the colonial surgeon may call upon the employer to make any alterations which he considers necessary. Every labourer must be allowed half an acre for a garden. For the first three months after arrival, immigrants must be supplied with rations according to a scale fixed by the Governor, in consideration of which a deduction may be made from their wages. At the end of that period the rations may be discontinued if the immigrant is earning less than 6*s.* a week, or, in the case of a woman or minor, 4*s.* 6*d.* Coolie labourers, according to a Jamaica report, amass considerable sums

(1) Imperial Institute Year Book, 1892, pp. 339, 354. Trinidad Trade and Taxes Commission, 1st day, pp. 1-11, 14-16; 4th day, p. 2; 10th day, pp. 16, 17. St. Lucia Consolidated Immigration Ordinance, 1880. British Honduras, Labour Ordinances, 1883 and 1884. Barbados Master and Servant Act, 1891. Colonial Reports, Annual, No. 65, p. 21. Jamaica, Laws 14 and 20 of 1891.
Appendix on Migration of Labour, pp. 244-256.

of money. In 1890 the amount of 4,297*l.* 9*s.* was taken away by 109 coolies returning to India.(1)

4. Views of employers.
(*a.*) Causes of scarcity of labour.

In 1890 resolutions were forwarded by the Royal Agricultural and Commercial Society, the Georgetown Chamber of Commerce, and the Planters' Association to the Governor of British Guiana, calling attention to the scarcity of labour in the colony, and praying that their needs should be supplied by importation. Commissioners appointed to examine representatives of the gold, sugar, timber, and balata industries, reported that an organised system for the introduction of additional labourers into the colony had become necessary. Fourteen out of fifteen witnesses engaged in the sugar industry stated that they would be able to find work on the estates which they represented for a number of men varying from 30 to 300, in addition to those already engaged. They attributed the scarcity of labour to the opening up of the gold and timber industries, and held that, though felt more keenly at certain seasons, the scarcity was permanent. Cane-cutters and weeders were especially needed, and planters found it difficult to transfer natives from one kind of work to another, since they did not take readily to work to which they had not been accustomed. The number of men employed in the balata industry was reported to be decreasing, but this was largely due to the depression in the industry, owing to the premature exhaustion of the trees before the enforcement of protective laws. This is the more to be regretted as balata is a more valuable gum than either india-rubber or gutta-percha, and is especially in request for making bands for machinery, owing to its great strength and to the fact that it does not stretch under tension. Similar complaints of scarcity of labour come from British Honduras, where a board was appointed in 1885 to report on the advisability of importing labour from abroad. The board reported that an investigation of the census returns showed that the population increased very slowly, and that it was, therefore, impossible to develop the resources of the country without obtaining additional labour. Every available able-bodied man either had obtained employment or might have obtained it, and the severity of the competition between employers had greatly increased wages and had multiplied frauds connected with advance of wages. It had also led to the employment of inefficient labour, since, where all could obtain work at high wages, the indolent had no incentive to improvement. Thus, a bricklayer in British Honduras would lay 187 bricks in a day for $1.50 or $2, whilst his fellow workman in England got $1.68 for laying from 1,000 to 1,200 bricks. Lack of labour had prevented the expenditure of capital upon agricultural operations, though the fertile soil of the country would amply reward such expenditure. A few employers held that this state of things was merely the result of the depression prevailing throughout the world, and attributable in British Honduras to the fall in the price of timber. It was alleged by one employer that men were already out of work, whilst others held that employers needing labour should import it for themselves. On the whole, however, the necessity for importing labour was assented to by the board. In Trinidad the inequality in the allotment of labourers is held responsible by planters for the scarcity of labour. The number of labourers is calculated according to the produce of the estates, but cocoa planters urge that when the plantations are young the yield is very small and they cannot obtain as much labour as they need, though they pay the tax for importing labourers, in the form of a duty on the yield of cocoa when the plantations have grown up. They desired the substitution of a land tax for the cocoa and sugar duties, or the direct payment by the employer of the cost of importing labour, but their proposals were not adopted. At the termination of their period of service, indentured labourers leave the sugar plantations to work for the cocoa planters, who pay higher wages, or else take a small plot of ground of their own upon which to grow fruit and vegetables. This is encouraged by the Government, because the labour of coolie women is much needed in the country, and they are consequently anxious to induce families to settle. In 1884 it was objected that coolies receiving land in place of a free passage home, often sold it again, and that it was of little use to them, owing to the absence of roads in the district where it was situated. The system was, therefore, abandoned for a time, but has since been resumed. Scarcity of labour has led in St. Lucia and Jamaica to the re-importation of coolie labour from India, which had been discontinued since 1884. In 1891 three vessels brought 2,135 fresh immigrants and 49 repatriated immigrants to Jamaica, whilst 106 coolies already in the Colony claimed return passages for that year. The number introduced into St. Lucia was 554, of whom 309 were men. In the West Indian Islands generally the scarcity of labourers is sometimes attributed to the import duties levied on food, but it is probably due rather to the evil effect of slavery upon the the negroes, who are unwilling to work, and the friction between the different races. This obstacle has been in part overcome in some districts by offering a high rate of wages to negroes, together with land for building and cultivation, either free or at a very low rate; but the higher wages offered by the promoters of the Panama Canal have caused a serious drain upon the labour supply.(2)

(*b.*) Character of labour.

Great variety of opinion prevailed amongst witnesses examined by the British Guiana Commission on Labour of 1890 with regard to the class of labour which it would be most desirable to import. The majority were in favour of indentured coolies, because it was possible to rely on their labour for a considerable period. Where coolies could not be obtained, Africans were thought by most to be the best workers; but three witnesses preferred West Indian labourers. Twenty years previously it had been the custom to import labourers from the Barbados, but, owing to the absence of any definite contract, they crowded into the towns and refused to work on the estates. If stricter conditions were made with them, it would, in the opinion of many witnesses, be an advantage to both sides to employ them, since the busy season in Guiana corresponds with the idle season in Barbados, and they might be engaged for short periods. The superintendent of the Wesleyan Mission thought that if sufficiently high wages were offered, agricultural labourers could be obtained from Jamaica and from St. Vincent, especially the latter, because a number of estates on the island had been abandoned and work was consequently difficult to find. The Hon. B. Howell Jones recommended the importation of Javanese. The character of the labour employed in the gold mines was the subject of complaint. Witnesses stated that wages had risen, but that the class of men employed were not so reliable as those formerly obtained, and were by no means careful to fulfil the engagements into which they had entered. With regard to the respective merits of East and West Indian coolies, the Colonial Engineer of British Honduras stated that the labour of East Indian coolies was the more valuable. The maximum earnings of an adult coolie in the Madras Presidency are from $25 to $30 a year, whilst a coolie in Barbados earns from $9.75 to $16.25 a month. Consequently the West Indian expects wages at least three times as high as would satisfy the coolie from India, and, though stronger than the East Indian, is considerably less willing and tractable. The cost of importing East Indian coolies into British Honduras was estimated at $75 a head, to be repaid in instalments spread over five years. Consequently, reckoning wages at $6 a month, the total cost to the employer would be $102.50 a year for each coolie, whilst in the case of West Indian labour it would be $152.50 a year. Creole labourers are numerous both in British Guiana and in the West Indies, and were stated by witnesses before the British Guiana Labour Commission to be competent to perform all the work of the colony if they could be induced to exert themselves. Some of the Creoles possess small farms and rely on these for their support, whilst others live chiefly by fishing in the fresh water canals. They are disinclined for exertion and will seldom work for more than three and a half days a week; consequently employers do not care to engage them

(1) Report of Labour Commission, British Guiana, 1890, pp. 1-3, 5, 6, 10, 12, 14-21, 26, 27, 29-32, 35, 37, 39, 41, 54. Trinidad Trade and Taxes Commission, 1886, 2nd day, pp. 8, 9; 3rd day, p. 22. St. Lucia Consolidated Immigration Ordinance, 1880. Report on the Balata Industry, British Guiana, 1885, pp. 18-20. Colonial Reports, Annual, Nos. 35 and 53. The term "dollar" (=100 cents) is retained in British Guiana and the West Indies as an expression for 50*d.* sterling, *i.e.*, the cent is taken as a halfpenny. "History of Currency in the British Colonies and India," by Robert Chalmers, of Her Majesty's Treasury.

(2) Report of the Royal Commission on Public Revenue and Expenditure in Jamaica and the Windward and Leeward Islands, 1882, p. 14. Trinidad Trade and Taxes Commission, 1886, pp. xii., xv.; 1st day, pp, 14-16; 4th day, pp. 7, 12; 10th day, pp. 23, 34, 37. Report of Board on Importation of Labour, British Honduras, 1885, pp. 1-8. Report of Commission on Labour, British Guiana, 1890, pp. i., vi.-viii., 3, 6, 13, 14, 21, 40, 49. Report on the Balata Industry, British Guiana, 1885, pp. 5, 14. Colonial Reports, Annual, No. 53, p. 12. No. 65, p. 22.

except under contract, which the creoles regard as a return to the days of slavery. The same difficulty bars the employment of creoles in Trinidad, where again they are often small peasant proprietors, and refuse to add to their income by taking service. An attempt to introduce labourers from Barbados ended in failure; 40 out of 400 brought by the Colonial Company at their own expense deserted within twenty-four hours after arriving on the estates.(1)

(c.) Conditions of labour.

The majority of the would-be employers of imported labour in British Guiana desired to engage such labour under a contract of a year's duration, but a few would have been glad to have obtained labourers for four or six months at a time. To this plan it was objected that imported labourers coming to British Guiana for the first time needed to be acclimatised, and were often unfit to work for a considerable period.(2)

Recommendations.

The commission on labour in British Guiana in 1890 reported that an organised system for the introduction of an additional supply of labour into the colony had become necessary. To meet this necessity they recommended the immediate importation of 3,000 labourers from the West Indian Islands, who should be given a daily task at the current district rate of wages. These labourers should be supplied with house and hospital accommodation, and should be given free medical attendance as well as a return passage on the due fulfilment of the terms of the contract. In the opinion of the Commission all these regulations should be controlled by the Immigration Agent-General, and all expenses should be borne by the colony as a whole. The board appointed in 1885 to consider the same question for British Honduras recommended the introduction of West Indian labourers by small instalments. A reliable agent should, they thought, be sent to the islands and transport facilities granted for the introduction of the labourers. The terms of the engagement were to be fixed by the employer(3).

(1) Report of the Commission on Labour, British Guiana, 1890, pp. 7, 8, 10, 12, 14, 15, 20-25, 27, 28, 29, 33, 34, 36, 38, 46, 47, 53, 56. Report of Board on Importation of Labour, British Honduras, 1885, p. 56 and Appendix. Trade and Taxes Commission, Trinidad, 1886, 3rd day, pp. 14, 16, 24, 25. In British Honduras the standard coin is a silver dollar, the gold price of which fluctuates with the price of silver. At present the dollar is worth about 2*s*. 6*d*. sterling. "History of Currency in the British Colonies and India," by Robert Chalmers, of Her Majesty's Treasury.

(2) Report of Commission on Labour, British Guiana, 1890, pp. 2, 5.

(3) Report of Commission on Labour, British Guiana, 1890, pp. i., ii. Report of Board on Importation of Labour, British Honduras, 1885, pp. 5, 6.

III.—BRITISH EAST AND WEST AFRICA.

The labour question in the territories of the British East Africa and the Royal Niger Companies has as yet scarcely arisen. Domestic slavery still exists in both territories, though in the Sultanate of Zanzibar it is being continually diminished by the policy of the East African Company. A step in this direction was made when the Indian Treasury undertook to pay the subsidy due from the Sultan of Zanzibar to the Sultan of Oman in Arabia on condition that the public slave-market in Zanzibar should be abolished. In 1888 the British East African Company ensured the freedom of 4,000 slaves who had run away from their masters and were resident in the sphere of the company's operations. They have since established a system whereby the company pay wages to slaves desirous of purchasing their freedom, but only 150 slaves have availed themselves of it, though the redemption price is fixed so low that they can work out their freedom in a few months. In the opinion of Mr. Mackenzie, an official of the company, it will be necessary to appoint a slave commission to register all existing slaves and then to give those on the register the option of working out their freedom. He also thinks that the construction of railways into the interior would diminish the demand for slaves as carriers and thus go far towards suppressing the slave trade.

Both the East African and the Royal Niger Companies ignore the status of slavery in engaging labourers, but do not take active measures to interfere with the tribal customs except in extreme cases. East Indian coolies cannot be imported into Zanzibar, since that country is expressly excluded in the Indian Emigration Act, but free labour is plentiful and it is unnecessary to employ any system of enforcing labour. The wages of all labourers employed by the company are paid directly. There is again no recognised system of forced labour in the territories of the Royal Niger Company. Labourers are hired without inquiry into their status, and the wages paid are so high that the company have experienced no difficulty with their servants, whether British or coloured.(4)

(4) Letters from the East African and Royal Niger Companies. Royal Colonial Institute's Proceedings, Vol. xxii. (Article on East Africa, be G. Mackenzie.)

REPORT ON THE LABOUR QUESTION IN INDIA.

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MEMORANDUM ON THE CONDITION OF LABOUR IN INDIA.

Statistics of Evidence.

			Workers.
The evidence from	Bombay	refers to about	67,000.
,, ,,	Bengal	,, ,,	53,000.
,, ,,	Madras	,, ,,	9,000
,, ,,	North-West Provinces and Oudh	,, ,,	6,000.
,, ,,	Central Provinces	,, ,,	6,000.
,, ,,	the Punjab	,, ,,	1,400.

MEMORANDUM ON THE LABOUR QUESTION IN INDIA.

I.—Causes of Trade Disputes between Employers and Employed.

A. Wages.

Trade differences, in the sense in which the term is used in England, are practically unknown in India. "Perfect harmony" does not exist between employers and employed. Cessation of work in consequence of any dissatisfaction with the conditions of employment occurs only on a small scale, and does not even affect all the operatives in one firm.

The fixing of wages does not seem to have been in any case the cause of serious trade disputes. No organisations exist among employers or employed for the purpose of regulating wages, though the fact that the rates have remained almost stationary for the last 30 years points to some tacit understanding among the natives not to allow any reduction in the "monopoly wage" with which they started.

The rates in Madras are said to be regulated mainly by the rates paid for labour in the cultivation of the fields in the district in which the factory is situated, factory wages being estimated at twice to three times that amount.

In the North-Western Provinces and Oudh the "earnings of mill hands have to be placed sufficiently high "to attract labourers from their hereditary occupations "and to reconcile them with novel conditions."

In some districts the demand for labour is in excess of the available supply, and although the operatives seem to be under the impression that their places could be easily filled if they were dismissed, yet the employers frequently find much trouble in securing workmen.(1)

It was stated that, in Bombay, there have been short-lived strikes, sometimes for "higher rates of "wages, on account of the price for food, grain, &c. "going up," have been many. "In no case have the "men succeeded in dictating their terms to their "owners," and no strike has resulted in the absolute stoppage of a mill even for a day.

Profits have fallen considerably during the last 30 years, and if this continues the present rate of wages must be reduced.

The condition of the workers points to the formation of some "powerful and widespread union," and the "opposition to any general reduction of wages seems "likely to be general and to prove hard to over-"come.'"

The calculation of wages is sometimes made on a daily, sometimes on a monthly wage. Payment by piece-work is introduced wherever possible, but "this "mode cannot be so generally resorted to as in Eng-"land, owing to the minute subdivision of labour, in "many instances the numbers of workpeople being four "to five times the number that would be occupied on "similar work in England."

"Task" work is unknown in the North-Western Provinces and Oudh and in the Southern Division of Bombay. It is rare in the Northern Division.

Wages are almost invariably paid direct by the employer. "Importing raw material and despatching manufactured goods" are paid by contract in Bengal. A few bobbin-winders in the Woollen Mills, Cawnpore, "balers and bundlers" in Bombay are paid through a sub-contractor.

Wages are usually paid monthly. In Bengal they are paid partly by the week, and in the Northern Division of Bombay skilled labour is paid by the week or month, while unskilled labour is paid by the day. Complaint is made in Bombay of the practice in some mills of keeping the wages for over two months in arrears.

This delay is exceptional, and "in the few cases of "such delay the workers claim and obtain extra rates "of wages," yet "such excessive delays should cease, ". . and a month's delay should become an extreme "concession."

Methodical and definite arrangements for bonuses, with the exception of four factories in Bombay, including Mr. Tata's mill, have not yet been introduced, though in many mills much is done that is not provided for in the rules. A bonus is sometimes given to the heads of departments, but not to the establishment as a whole; at other times it is granted for regular attendance, to exceptionally skilled workmen for special work, or to "incite the workpeople to produce as much from the "machines as they have been designed to do."

A system of small fines for bad work, insubordination, careless or wanton destruction of machinery, and absence without leave is in force in the greater number of factories; no other stoppages exist. It was stated that "fear of punishment of some sort is nearly the only "incentive to careful working," . . . "the men "simply try to obtain the greatest wage for the least "amount of work." In some mills the fines are credited to a workmen's fund. Truck or payment in kind is unknown.

No definite system of granting houses, land, or other allowance is in existence.

Free houses are allowed in certain mills to a definite number of operatives, in return for which they are sometimes expected to give help in the case of fire or any other emergency. Lodging free of charge is sometimes given to the officials and foremen, sometimes to European employés. In the North-West Provinces and Oudh, watchmen and messengers are frequently, if not always, provided with free quarters and uniform.

Fluctuations of wages in India are "little or none"; the rate has been practically stationary for the last 30 years, and in the North-West Provinces is stated to be "slowly but steadily rising." Slight fluctuations are caused by irregular attendances on the part of the workpeople; and it was further stated that "the recent "amendment of the law relating to factories . . . "has had the effect of reducing the average daily "wage of those women and children who were en-"gaged on piece-work, but this effect has been coun-"terbalanced in part by the greater diligence of the "workers." (Madras.)

No general strike or lock-out has ever occurred.

Work has occasionally been stopped for a day or two in the Northern Division and in the town of Bombay, owing to "attempted reductions in the rates of wages." "Mild instances of labour disputes, consequent on the "introduction of revised scales of wages in certain "departments," have occurred in the North-Western Provinces. A provisional scale of wages for some new class of work proved too high, and, owing to the influence of a few "ringleaders," the reduction was resisted.

In every case, either the men yielded to their employers or a compromise was effected in a few days.

Difficulties have occurred in individual mills in Bengal, in consequence of attempts to reduce the rates of wages in any department "in which the wages have been "proportionately higher than in others, or higher than "in neighbouring mills." No strike, however, has affected the trade in general or even all the employés at any one mill. The employers have been "uniformly successful" in resisting the men.

No definite system of insurance against accidents or old age exists in any of the mills in India, with the exception of that belonging to Messrs. Binny and Co., Madras. Nevertheless, "much is done that is not "provided for in the rules. . . . There are no rules "for pensions, but some light employment is often "found for old operatives; the employers do not "recognise their liability in the case of accidents "caused by the fault of workmen, but they pay wages, "(generally full wages), while the injured person "remains in hospital." In some mills, allowance is given also in case of sickness; in one mill in the Northern Division of Bombay, provision is made in the case of a fatal accident for the "nearest relations" of the deceased.

The period required for the termination of a wage contract in India varies from a week to a month, (in general, it is a month), except in the case of summary dismissal for some grave offence.

(1) The dearth of labour in certain districts is, in all probability, local and temporary. The population of India is great and rapidly increasing, and the rate of agricultural wages low, but labour appears to be in a stationary condition, partly as a result of the social or caste system, partly in consequence of the dislike of rural Indians to change their employment. These difficulties are being gradually overcome. The factories in the North-West Provinces are newer and fewer than those in Bengal and Bombay and, consequently, they have not yet attracted an influx of labour from the thickly-peopled districts. Organisation of labour, at present, appears to have tended to repel, rather than to attract, outside workers to the factories. G. D.

Among the jute balers and shippers, (Nasmyth's Patent Press Company), there is, however, no binding engagement on the part either of employer or employed for the termination of their connexion. In this industry, "they come and go, and work or play, as they please." The supply of labour is much greater than the demand, and this system is stated to be "greatly to the liking of the Hindustanees" employed.

Hours of labour and continuity of employment.

The women and children, in general, work the full period allowed by law. The hours of male adults vary from 9 to 13 (Bengal, 9 to 12; Bombay, 11 to 13; North-West Provinces and Punjab, 10 to 13); in some mills they vary according to the time of the year, extending from sunrise to sunset.

No difficulties have occurred in India in connexion with the hours of labour. It is, however, desired:—

1. That, if practicable, one hour's recess should be given during the day, half an hour at 9 a.m., and half an hour at 12 noon; if not, at least half an hour's complete rest at 12 noon.
2. That work in the mills should commence at a definite hour.

Under the Act of 1891, the mill-hands now get one day's rest a week, and half-an-hour's rest between 12 noon and 2 p.m. each day. It was also urged that the advantage of certainty as to the hours of beginning work, which the second of the above proposals would secure, "seems to be outweighed by the freedom from "waste of working-time, which the present rule ensures."

Overtime is either unknown or only worked occasionally. It is remunerated at rates varying between the ordinary pay and twice that amount. In many factories it is unknown, except in connexion with the cleaning and repair of machinery (Madras, Central Division of Bombay, Bengal.)

Night shifts are unknown in the spinning and weaving factories, Bombay, in Bengal, the North-West Provinces and Oudh and in the Central Provinces. In one factory in the Northern Division of Bombay, night shifts are remunerated at double the ordinary rate of pay; in the ginning (*i.e.* the process of separating the cotton fibre from the seed to which it is attached) factories in the Southern Division, and in an oil mill belonging to Messrs. Binny & Co., Madras, the ordinary rates are paid. In the latter factory, however, "three eight-"hour shifts are employed" which rotate, so that the same shifts may not be continually employed on the night watches.

Employment is fairly regular in the cotton spinning and weaving mills; in cotton presses, coffee works and ginning factories, work is "suspended for variable "portions of the year."

On the other hand, attendance to work is irregular, owing partly to high wages, partly to native habits and customs. "Though employment is constant throughout "the year, the same labourers are not constantly "employed. . . . In Bombay, . . . the hands, "women as well as men, often take holiday for one or "more months every year or so." During this holiday, they go to their homes in the country; "their places "at the mills being taken by temporary hands: and at "the end of their holiday they return to work."

It was complained that when irregularities arise through breakdown of machinery, the men "are "required to attend the mill and to pass sometimes "the whole day doing nothing and receiving nothing," merely with the "object of preventing them from "seeking employment elsewhere." On the other hand, "the fact that there is generally room for a day's "work in polishing and cleaning, and that in most "breakdowns, the hope remains that the machinery "may promptly be put to rights, seems sufficient explan-"ation of the practice requiring the workpeople to "attend before the repairs are completed."

Sunday labour is unknown in the spinning factories in the Central Division of Bombay, and, in general, is confined to the cleaning and repairing of machinery, except under special circumstances. In Bengal and the Central Provinces, those workmen who are employed on Sunday have a weekly holiday on some other day. The rate of remuneration varies, but, in general, the ordinary rate is paid. Sunday work is paid at the usual rates in the ginning factories in the Central Division of Bombay.

The practice as regards holidays varies in different factories. Weekly half-holidays are allowed in the Egerton Woollen Mills, North-West Provinces, and in a jute factory, Bengal; on the other hand, they are allowed in no part of the Bombay Presidency. In some mills, holidays are given on native festivals and, in general, workmen have no great difficulty in getting leave of absence when they require it. The permanent staff and monthly hands frequently receive full pay on holidays, but no payment is given to other workers.

C. Other conditions of employment.

Men, women, and children are "confined mostly to "work which physically suits them," women being employed chiefly on hand-labour and light work. The proportion of male to female workers is about 3 : 1 in Bengal, 4 : 1 in Bombay, Madras and the Central Provinces, 7 : 1 in the Punjab, and 9 : 1 in the North-West Provinces and Oudh.

Homework is almost unknown; in the New Egerton Woollen Mills (Punjab), however, certain kinds of work are regularly done in the homes.

The Factory Commission were of opinion that the imposition of excessive restrictions on female labour would lead to men being employed, "even in those "departments of work that are at present made over to "women."

There is no trace of any regular system of apprenticeship, with the exception of Mr. Tata's mills, Bombay, where a limited number of apprentices, satisfying certain conditions, are received for three years, with two years' further service (at the option of the company), on definite terms.

Apprentices are occasionally employed in some factories, but most of the manufacturers state they have none. The system was tried by Messrs. Binny & Co., Bombay, but without success; the manufacturers prefer the greater control obtained by freedom of employment and discharge.

In one mill, (Bengal), the duration of apprenticeship is at the discretion of the overseer, and depends on the aptitude displayed by the learners.

New labour-saving machinery has been introduced from time to time; no dispute has at any time arisen as a result.

It was stated that the machinery is usually, if not always, of English manufacture, and that it is carefully protected, therefore accidents seldom occur without "gross carelessness or curiosity" on the part of the workers.

On the other hand, complaint was made that "bad machinery" and "bad raw material" were used in the mills, that (Bombay City) the fencing of machinery was frequently inadequate and that a large number of accidents were due to entrusting the "placing of straps on pulleys" to "unskilful hands." "The question "of preventing these accidents is at present under con-"sideration," but "the proper fencing of machinery "has," it was stated, "for years received constant and "careful supervision, with such success that the returns "of accidents show that during the past five years no "accident has occurred from insufficient fencing."

The sanitary arrangements of the workplaces are under the supervision of the Government, and the Local Government is empowered to make rules for the fencing of machinery, the ventilation and sanitation of factories, and the prevention of overcrowding. Provision is made for periodical inspection, supplemented in some districts by visits from the local magistrate and doctor. The New Egerton Woollen Mills (Punjab) are under the supervision of a certified medical practitioner employed exclusively by the company.

The majority of the factories work by daylight only, but several are provided with electric light.

The sanitation in some factories in the Northern Division of Bombay, and in a few of the older mills in Bombay City, is defective, otherwise the sanitary conditions of work are satisfactory. It was urged that, in Bombay City, official inspection should be more frequent, and the visits paid without previous intimation.

D. Minor causes of dispute.

No organised trade unions exist in India. A tacit understanding, however, exists, in Bombay at least, that no one shall agree to perform the various classes of work at less than the wages hitherto received. "If any "man agreed to break the rate of wages, other workers "would hold aloof from him, and would probably force "him to leave the mill."

The employment of foreigners appears to be "of no practical importance" in India. Europeans are sometimes employed as managers, overlookers, and engineers (Bombay, Bengal, Punjab), and a few Chinamen as carpenters in some departments (Bengal), otherwise all the employés are natives of India.

The Khandesh Spinning and Weaving Mills Company, Limited, Bombay is opposed to the employment of foreigners, because, in the long run, it will tend to the displacement of Indian labour.

Disputes have occurred in Bombay, Madras, and in the Hinganghat Mill, Central Provinces, caused respectively by dissatisfaction with the manager, "petty tyranny on the part of overseers," and "disagreement with the spinning master."

A strike occurred in Madras, which lasted for a couple of days, because one man struck another.

II.—Development, Organisation, and Conduct of Trade Disputes.

Trade associations.

No "labour problems of a serious nature" have yet arisen between employers and employed, and consequently (with the exception of the Mill Hands' Association, Bombay) no association of operative, for the purpose of dealing with trade disputes, has been established. The trade unions of western nations are represented in India by an "unnamed and unwritten bond" of union among the workers, peculiar to the people. Definite combinations among the labourers are of a temporary character, and have their origin in purely local grievances, but the "threat of boycotting" prevents individual workmen in any branch of factory labour from consenting to accept wages lower than those which that form of labour has hitherto commanded. The workers, however, adopt union methods in connexion withobjects which their caste or community holds worthy of support, and although they "hold aloof from similar subscriptions for wage purposes," any attempt to reduce wages in general would probably overcome this distrust, and powerful trade unions would be formed.

The association among the mill hands (Bombay) is "quite in its infancy," and the men still have "such an inherent dread of and respect for their employers," that the combination is at present weak.

The only organisation which appears to exist among the employers is the Bombay Mill Owners' Association. The objects of the Association are to encourage "good feeling and unanimity among millowners and users of steam and water power, on all subjects involving their common good," to promote their interests and to obtain the removal, by legitimate means, of grievances affecting them as a body, and to decide matters in dispute that may be laid before the Association. It has never dealt, either directly or indirectly, with disputes between employers and workpeople; nothing, however, in the objects of the Association would prevent it from so doing, if the necessity arose.

Strikes and lock-outs.

Labour disputes are entirely unknown in the Punjab and the Central and Southern Divisions of the Bombay Presidency.

No strikes or lock-outs of general importance have occurred in India, and nothing of the nature of disputes "involving organised action on a large scale between labour and capital." There is, further, no definite information with regard to the disputes which do occur. The hands occasionally stop away for a day or two, when fined for absence or bad work, or when a reduction in wages is attempted; in general, this occurs when "food is cheap and weather agreeable." These strikes can frequently be traced to the influence of a few "mischievous and ignorant persons," who "succeed in getting a sufficient number to strike and then intimidate the remainder." They never effect even all the hands in one mill, and last only a few hours, or, at most, a few days. In Bombay City, no strike "had resulted in the absolute stoppage of a mill, even for a day."

III.—Cost.

The duration of the disputes varies from a few hours to a few days, consequently the loss to employers in the temporary cessation of production, and to employés in wages, is comparatively small.

In Bombay City, Bengal, and the North-West Provinces, the operatives have always yielded; sometimes "with fines or loss of arrears of wages." "Whenever employers (in Bengal) have come into collision with their employés, and have persevered in carrying out whatever alterations they had determined on, even against a strike of their workers, they have, it is believed, been uniformly successful."

The position of the employers is then unimpaired by strikes, except in the direct loss caused by the stoppage of work, which varies from 300 to 5,000 rupees, "according to the nature and extent of the strike, the size and description of the factory."

The demand for labour being greater than the available supply, the employés do not, in general, lose their employment in consequence.

A few strikes, *e.g.* Kurla Spinning and Weaving Mills, in the Northern Division of Bombay and in Bombay City, we stated to have been settled by compromise between masters and men.

Definite information with regard to the disputes in India is, however, wanting, and it is therefore impossible to form any general estimate of their cost.

IV.—Prevention or Settlement of Trade Disputes.

Direct remedies.

The inquiries made by the Commission with reference to the "methods of prevention and settlement of "trade disputes" in India were regarded by one of the employers as "unsuited to the conditions of the people and the country," and extremely mischievous." "India," it was stated, "is a country that is yet "blessed with a large amount of honest simplicity, "and still retains an uncorrupted civilisation," while these questions are "the excrescence of an overhasty "civilisation, and are as far from a good purpose in "this country, or a kindness to its people, as the east "is from the west. . . . The modern genius seems "to rush after what is most striking in his own "civilisation, and therefore, often after its weakness, "and, in all unfitness, applies them to his Aryan "brother."

Employers and employed are not, however, in perfect harmony, but no system of conciliation, arbitration, or mediation has been established, except in a spinning and weaving mill in Bellary, Madras.

It was suggested with a view to promoting more cordial relations between employers and employed, that "the former should be more sympathetic than "they were at present," and "pay more attention to "the improvement in the condition of their work-"people." It was urged, on the other hand, in Madras (Messrs. Binny & Co.) that "closer co-"operation and vigilance" was needed "on the part "of the police, to prevent the physical interruption of "those willing to work, but intimidated by a few "mischievous and ignorant ringleaders."

Profit-sharing, industrial partnership, and co-operation.

Profit-sharing, industrial partnership, and co-operation are stated to be "foreign to the ideas of the "natives of India." None of the firms consulted appear to have established any system of this kind. In the majority of establishments in Bengal, however, a bonus is paid for "production above certain limits"; this system works successfully.

Friendly societies.

A Provident Fund "for the benefit of the superior "establishment" has been established in the Cawnpore Woollen Mills. The company contributes to this fund half-yearly an amount equal to the sums contributed by the employés, provided the shareholders receive a dividend at the rate of not less than 10 per cent. per annum. No further information is given under this head.

Labour registries.

No agency of any importance for finding work for the unemployed exists in India. A Labour Office was lately opened in Bombay in connexion with the Salvation Army. This has at present been established on a small scale and principally in branches of labour unconnected with the mill industry.

Alterations in the existing law.

The following laws and amendments in the existing law are proposed in connexion with factory legislation in India:—

1. That a uniform legal eleven hours' day be established.
2. That all spining and weaving factories, and other factories coming under the operation of the Indian Factory Act, should be compelled by Government to make provision for the maintenance of persons rendered unfit for further work by accident to their person, while in discharge of their duty in the mill premises. Provision should also be made for the supply of medical aid for all the workpeople in factories coming under the Factory Act.
3. That the Act limiting the hours of labour for women and children be repealed.
4. "That the age at which a boy may work full time be reduced from 14 to 12 as formerly."

Note on competition between India and Lancashire.

In so far as evidence was obtained with regard to the competition between India and Lancashire in the textile industries, it is stated unanimously that the condition of labour in the mills and factories "is not comparable" in the two countries. It is denied that India does compete with England in the spinning of finer yarns and cloth; but, even if the contrary is admitted for argument's sake, the "loss in one branch of trade is "a gain in another, inasmuch as the cotton spinning "machinery in Indian mills is almost all imported "from home." England selfishly desires "to hamper "India in its legitimate trade."

Royal Commission on Labour,
44, Parliament Street, London, S.W.
January 16th, 1892.

SIR,

EVIDENCE has been given before Committee "C" of the Royal Commission on Labour with regard to the competition of India with Lancashire in the textile trades, and the Duke of Devonshire is of opinion that it would be a great assistance to the work of the Commission if information could be obtained with regard to the conditions of labour in the textile trades in that country.

His Grace has, therefore, directed me to request you to move the Secretary of State to give directions that such information may be procured and forwarded to this office to be laid before the Commission.

In order to make clear the scope of the inquiry which the Commission has undertaken, I am to forward to you the report of the committee on procedure, and the schedule of questions which have been issued to trades unions, to employers, and associations of employers.

I am, &c.
(Signed) GEOFFREY DRAGE.

The Under Secretary of State,
The India Office.

India Office, Whitehall,
November 1892.

SIR,

WITH reference to your letter, dated the 16th January 1892, I am directed by the Secretary of State for India to forward copy of a letter, No. 21, dated 28th September 1892, from the Government of India, with enclosures furnishing answers to the questions put by the Royal Commission concerning the conditions of labour in the textile industries of India.

On only one point in these papers does the Secretary of State deem it necessary to remark. In the Bombay memorandum and in some of the other replies, it is said that employment in textile factories is usually constant all the year round, save on the weekly holiday prescribed by law. It is desirable to supplement this statement with the remark that, though employment is constant throughout the year, the same labourers are not constantly employed. During the discussions on the Indian Factory Act much stress was laid on the fact that in Bombay—the chief seat of the textile industry—the hands, women as well as men, often took holiday for one or more months every year or so. During this holiday they went to their homes in the country, their places at the mills being taken by temporary hands; and at the end of their holiday they returned to work. In this way the pressure of work on the hands at an Indian cotton mill is often lightened.

I am, &c.
(Signed) A. GODLEY.

G. Drage, Esq.,
Royal Commission on Labour.

No. 21 of 1892.

To the Right Hon. the EARL OF KIMBERLEY, K.G.,
Her Majesty's Secretary of State for India.

MY LORD,

Simla, September 28th, 1892.

WE have the honour to reply to Lord Cross' Despatch No. 7 (Statistics), dated the 4th February 1892, on the subject of the requisition of the Royal Commission on Labour for information concerning the condition of labour in the textile trades of India.

Bombay, Madras, Bengal, North-western Provinces and Oudh, Punjab, Central Provinces.

2. On the receipt of Lord Cross' despatch we caused the letters which form enclosures No. 1 and 2 to this despatch to be addressed to the local governments marginally noted, requesting that succinct memoranda might, after due inquiry, be prepared for each province, summarising the information which the questions of the Commission were designed to elicit, and forwarded to us together with the answers of persons interested, or their representatives, to the questions asked.

3. We now forward copies of the replies received from local governments.

We have, &c.,
(Signed) LANSDOWNE.
ROBERTS.
P. P. HUTCHINS.
D. BARBOUR.
A. E. MILLER,
H. BRACKENBURY.
C. H. T. CROSTHWAITE.

LIST OF ENCLOSURES.

1. Letter to the Government of Bombay, No. 368, dated 14th March 1892.
2. Letter to the Governments of Madras, Bengal, the North-western Provinces and Oudh, and the Punjab, and the Chief Commissioner of the Central Provinces, Nos. 6—369–373 of the same date.
3. Letter from the Government of Madras, No. 1244, dated the 6th July 1892, with enclosures.
4. Letter from the Government of Bombay, No. 3249, dated the 12th September 1892, with enclosures.
5. Letter from the Government of Bengal, No. 2520, dated the 23rd August 1892, with enclosures.
6. Letter from the Government of the North-western Provinces and Oudh, No. 2410, dated the 29th August 1892, with enclosures.
7. Letter from the Government of the Punjab, No. 255–S., dated the 13th July 1892, with enclosures.
8. Letter from the Chief Commissioner of the Central Provinces, No. 3142, dated the 12th May 1892, with enclosures.

No. 368, dated Calcutta, the 14th March 1892.

From J. P. HEWETT, Esq., C.I.E., Officiating Secretary to the Government of India, to the CHIEF SECRETARY TO THE GOVERNMENT OF BOMBAY.

I AM directed to forward copies of a despatch[2] from Her Majesty's Secretary of State giving cover to a letter (with enclosures) from the Royal Commission on Labour, in which information is requested concerning the condition of labour in the textile trades of India. I am to request that, under the orders of the Governor in Council, arrangements may be made to record answers to as many of the questions marked A B and C as can be answered by the representatives of persons employed in the manufacture of textile fabrics in the factories of the Bombay Presidency, and by employers and employers' associations respectively. I am also to request that a succinct memorandum summarising the different replies may be appended to them. It is necessary, with reference to the concluding paragraph of the despatch, that this information, together with the memorandum and the communications which may be received from the persons whose answers are recorded, should be furnished to the Government of India as soon as possible for transmission to Her Majesty's Secretary of State.

2. It rests with His Excellency in Council to decide whether it will be necessary to place any officer on special duty with a view to collect the desired information.

No. 6-JUDL.
369–373

From J. P. HEWETT, ESQ., C.I.E., Officiating Secretary to the Government of India, to the CHIEF SECRETARY TO THE GOVERNMENT OF MADRAS, the CHIEF SECRETARY TO THE GOVERNMENT OF BENGAL, General Department, the CHIEF SECRETARY TO THE GOVERNMENT OF THE NORTH-WESTERN PROVINCES AND OUDH, the OFFICIATING CHIEF SECRETARY TO THE GOVERNMENT OF THE PUNJAB, and the CHIEF COMMISSIONER OF THE CENTRAL PROVINCES.

SIR,

Calcutta, March 14, 1892.

I AM directed to forward copies of a despatch[1] from Her Majesty's Secretary of State giving cover to a letter (with enclosures) from the Royal Commission on Labour, in which information is requested concerning the condition of labour in the textile trades of India. I am to request that (with the permission of the Governor in Council / His Honour the Lieutenant-Governor (and Chief Commissioner)) a succinct memorandum may, after proper inquiry, be drawn up, setting forth the information which the questions of the Commission are designed to elicit so far as they are applicable to the employment of labour on the preparation of textile fabrics in factories in the Madras Presidency, Lower Provinces, North-Western Provinces and Oudh, Punjab and Central Provinces. The replies which any bodies or representatives of employers or employed may give to the questions should be appended to the memorandum. It is neces-

[1] No. 7 (Statistics), dated 4th February 1892.

sary, with reference to the concluding paragraph of the despatch, that the memorandum, together with the answers which may be given by the persons consulted, should be furnished to the Government of India as soon as possible for transmission to Her Majesty's Secretary of State.

2. It rests with the Government of Madras / Bengal, &c. / you to decide whether it will be necessary to place any officer on special duty with a view to collect the desired information.

I have, &c.
(Signed) J. P. HEWETT,
Officiating Secretary to the Government of India.

Letter from the CHIEF SECRETARY TO THE GOVERNMENT OF FORT ST. GEORGE to the SECRETARY TO THE GOVERNMENT OF INDIA, Home Department.

Fort St. George,
SIR, July 6, 1892.

WITH advertence to Mr. Hewett's letter, dated the 14th March 1892, No. 6, Judl.—369, with which was forwarded a letter from the Royal Commission on Labour asking for information concerning the condition of labour in the textile trades of India, I am directed to put you in possession of such information as has been collected in this Presidency. Copies of the syllabus prepared by Committee "C" and of the two series of questions, addressed, the one, to employers individually, the other, to associations of employers, have been furnished to seven firms engaged in textile industries in this Presidency and to the Madras Trades Association. The answers received are forwarded with this letter for the information of the Government of India, and I am also directed to submit, as requested in Mr. Hewett's letter, the accompanying memorandum which has been prepared from the information received from employers. I am to add, with reference to paragraph 2 of Mr. Hewett's letter, that His Excellency in Council considered it unnecessary to place an officer on special duty for the purpose of collecting information, partly because the textile industries of this Presidency are insignificant in amount and partly because the conditions of labour here are so different from those obtaining in Lancashire that an exhaustive inquiry would not be likely to produce any results which could be turned to account by the Royal Commission.

I have, &c.
(Signed) J. F. PRICE,
Chief Secretary.

Fort St. George, July 6, 1892.

APPENDIX.

MEMORANDUM on the TEXTILE TRADES in the MADRAS PRESIDENCY.

The textile industries of the Madras Presidency are on a very small scale; in 1891, the Cotton-spinning and Weaving Mills employing 100 hands and over, numbered only nine, and these gave employment to only 7,549 persons. There are no trades' unions or associations of employers in the Presidency.

Wages. The truck system seems to be nowhere in vogue; wages are invariably paid in money. The rates vary from district to district, but Messrs. Binny and Co. report that the wages of skilled operatives will be twice or thrice the wages of ordinary agricultural labourers. The Bellary Spinning and Weaving Company quotes Rs. 30 and Rs. 7½ *per mensem* as the highest wages of skilled and unskilled operatives respectively. Fluctuations in the rates of wages are said to be small. Messrs. Binny and Co. observe that the recent amendment of the law relating to factories, by reducing the working hours for children and by fixing maximum working hours for women, has had the effect of reducing the average daily wage of those women and children who are engaged on piece-work, but that this effect has been counteracted in part by greater diligence on the part of the workers. Wages appear to be paid direct by the employer in all cases, no intermediary being employed; payment is made generally by the month and the piece-work system is largely adopted. Deductions from wages are occasionally made as a mode of punishment for absence without leave and such-like matters. It is not usual to grant bonuses to workpeople, and most of those consulted report that they have no pension or other insurance fund for the benefit of their hands. Messrs. Binny and Co., however, grant bonuses on special occasions, have provident, accident and pension funds in connexion with certain of their manufactories, and, in times of general distress, apparently make arrangements for granting food, clothing, &c. to the operatives. Engagements between the employers and the employed are usually terminable by a month's notice on either side.

Hours of labour. The usual hours are, for males, from sunrise to sunset, for females and children, the full period permissible by law. Work out of hours is paid for at rates varying between the ordinary wage and twice that amount. Labour on holidays appears to be remunerated at the ordinary rate.

Conditions of labour. The information on this subject by the firms consulted is somewhat scanty. Employment is said to be regular and constant in cotton-spinning and weaving mills, but in cotton-presses and coffee-works operations are suspended for a variable portion of the year. The machinery in use is said to be good and to be carefully protected, and from the annual reports upon factories received by Government it would appear that this latter statement is correct; serious accidents are not common. When accidents do occur and result in the maiming of the operative concerned for life, it seems to be usual with the employers to make some provision for his maintenance. There is no reason to suppose that the lighting and sanitary condition of the work-places in this Presidency are unsatisfactory; the larger work-places which fall within the scope of the Factories Act are periodically visited by Government inspectors, whose reports are generally favourable. Particulars are not forthcoming to show the distribution of labour as between men, women and children, nor as between factories, workshops and homes, but it may be safely asserted that homework is very unusual, if not altogether unknown. Apprentices are occasionally employed; in the Bellary Spinning and Weaving Company's Mill they receive from Rs. 3 to Rs. 6 *per mensem* as salary and are at liberty to sever their connexion with the firm as soon as their apprenticeship is completed. The employment of foreigners in the textile industries—another point on which information is sought—is a question of no practical consequence in this Presidency.

Strikes and lock-outs. Strikes are not unknown in Madras, but nothing of the nature of trades unionism exists, and these combinations of labourers are of a temporary character and have their origin in purely local grievances. Messrs. Binny and Co. note that movements of this character usually occur when food is cheap and the weather agreeable; they observe also that they have been less frequent of late. The question is of such trifling importance so far as regards this Presidency, that it would be superfluous to discuss it further.

General. With regard to certain other points on which information has been sought, it may be observed that there is no system for the prevention and arrangement of trade disputes; that none of the firms consulted appears to have attempted to establish any system of sharing profits with the employés; that neither the local Government nor any local authority is concerned in any way in the manufacture of textile fabrics for the markets; and that no agency of any importance for finding work for the unemployed exists in any district.

6th July 1892, No. 1243.

Read—again G.O., dated 12th April 1892, No. 723-A, Judicial.

Read—also the the following papers:—

From the Manager, Southern India Spinning and Weaving Company Limited, to the Chief Secretary to Government, dated Madras, 28th April 1892.

With reference to your favour, No. 723-A, dated 12th instant, I beg to return the syllabus duly appended the answers to the questions asked therein.

(Signed) DASSABHOY BURJORJI.
Manager.

Enclosure.

Syllabus.

A.—Trade Differences between Employers and Employed.

I.—Their Causes.

Questions.	*Answers.*
Wages—	
How calculated—	
By piece-work?	By day-work.
By day-work?	
By task-work?	
How paid—	
Direct, by employer, or by sub-contractor?	Direct by employer.
Weekly, fortnightly, or at other periods?	Monthly.
Increased by bonus, or reduced by stoppages?	Reduced by stoppages.
Truck or payment in kind?	Payment.
House, land or other allowances?	Nil.
Hours of labour and continuity of employment—	
Normal hours of work?	From sunrise to sunset.
Overtime and how remunerated?	For quarter of a day we pay half-day wages, and for half a day we pay full-day wages.
Sunday and holiday labour, how arranged and paid for?	Sundays and holidays are fully paid for.

B.—Questions addressed to Employers.

I.—Introductory.

Will you state the business or businesses in which your firm is engaged, and where its works are situated?	Spinning yarn at Royapuram, Madras.
What number of workpeople are there engaged in your firm, particularised as follows:—	
Male?	817.
Female?	22.
Apprentices or other learners or young persons?	Nil.
Unskilled labourers?	Nil.

II.—Wages, Hours and Conditions of Labour.

What representations or information do you desire to offer for the consideration of the Commission under any of the following heads:—		
Wages.	Mode of payment—	
	By the hour, day, or week?	By day work.
	Payment through sub-contractor?	Payment direct by employer.
	Deductions by fines or other forms of stoppage?	Yes.
Hours of labour.	Length of notice for ending engagement?	One month's notice.
	Ordinary or standard hours of labour?	Standard hours of labour.

III.—Strikes and Lock-outs.

Can you state how many strikes and lock-outs there have been in connexion with your works in each of the 10 years 1881-1890, and in the current year up to date?	Five strikes.
Can you enumerate the important disputes and furnish particulars in regard to each such dispute under the following heads:—	
Date of commencement and determination?	Lasted about three or four days.
The chief immediate causes of each such dispute?	Owing to mischievous and ignorant workpeople.
Number of workers in your employment directly engaged in each dispute?	About 20 to 30.
Number of persons in your employment who have been thrown out of work thereby, but who have not been directly engaged in the dispute?	About 15 to 20.
Attitude of associated employers towards the dispute?	Mild.
Mode of settlement?	By giving consent to their unreasonable requests.
Advance or reduction of wages or other result of each dispute?	Cutting a few days' wages.
Estimated loss to firm, direct or indirect, occasioned by dispute?	About 2,000 to 3,000 rupees at each strike.

C.—Questions addressed to Employers' Associations.

I.—Introductory.

What particular branch or branches of industry does your association represent?	Spinning.
To what districts does your association extend?	Only in Madras.
Can you state the number of employers or establishments connected with your association?	Four in number.
Can you state the aggregate number of workpeople employed by such employers or establishments?	About 200 each.

II.—Wages, Hours, and Conditions of Labour.

Questions.	*Answers.*
• What representations or information do you desire to offer for the consideration of the Commission under any of the following heads :—	
Wages. Mode of payment—	
By the hour, day, or week ?	By day-work.
Payment through sub-contractor ?	Payment direct by department.
Deductions by fines or other forms of stoppage ?	Yes.
Length of notice for ending engagment ?	One month's notice.
Hours of labour. Ordinary or standard hours of labour ?	Standard hours of labour.
Overtime and its remuneration ?	Remunerated two days for one day's work.
Sunday work and its remuneration ?	Sunday wages as ordinary days.

III.—Strikes and Lock-outs.

Can you state how many strikes and lock-outs there have been in connexion with your association in each of the ten years 1881–1890, and in the current year up to date ?	Five strikes.
Can you enumerate the important disputes, and furnish particulars in regard to each such dispute under the following heads :—	
Date of commencement and termination ?	Lasted about three or four days in each strike.
The chief immediate causes of each dispute ?	Owing to mischievous workmen.
Number of workpeople employed by members of your association who have been directly engaged in each dispute ?	About 20 to 30.
Number of persons employed in factories or works where the dispute occurs, and who have been thrown out of work thereby, but who have not been directly engaged in the dispute ?	About 15 to 20 persons.
Attitude of your association towards the dispute ?	Mild.
Mode of settlement ?	By giving consent to their unreasonable requests.
Advance or reduction of wages or other result of each dispute ?	Cut a few days' wages.
Actual disbursements by association on account of strike, and estimated direct or indirect loss to the firms concerned occasioned by the dispute ?	About 2000 to 3,000 rupees at each strike.

From Messrs. Binny and Co., to the Chief Secretary to Government, dated Madras, 29th April 1892.

We have the honour to acknowledge receipt of your No. 723–A, of the 12th instant, addressed to the Buckingham and Carnatic Mill Companies, Limited.

2. As many of the questions asked in the schedule apply to factories other than those employed in the manufacture of cotton, we venture to address you, dealing collectively with the various factories owned or worked by this firm.

3. Reference is made in your letter under reply with regard to the "competition of India with Lancashire." We are at a loss to understand how the questions asked bear on the subject, or how the answers can in any way be applied.

4. We would, however, deprecate any further intervention on the part of Government. Labour in this country can bear no possible comparison with labour in Lancashire. The speed at which machinery is run in Lancashire is far greater than is possible in India, and requires much more assiduous attention, which the competition for employment accentuates. In this country, on the contrary, the speed of machinery is slower, also the work, being divided amongst 4 to 5 hands to 1 in Lancashire, is much lighter; this is especially the case in Madras, where the hands are not so well trained as in Bombay.

5. Factories in India are loftier, airier, better ventilated, and much more wholesome than those in England.

6. Operatives do not spend their life-time in factories here, as in Lancashire; consequently, there is no diminished physique or unusual ill-health, and they can well bear comparison with out-door labourers.

7. Factory hands are for the most part villagers who come to the factory entirely with the view of saving a little money and in a year or two return to their country and invest their savings, which to them are considerable, in a small plot which they cultivate, or in a small shop of some kind.

B.—Questions Addressed to Employers.

I.—Introductory.

1. The factories we represent are situated variously in Madras and Bombay Presidencies and in Mysore territory, and comprise 8 cotton presses, 1 ginning factory, 3 cotton mills containing in all about 80,000 spindles and 600 looms, 1 woollen mill, 1 coffee works, 1 oil mill producing cattle foods as well as vegetable oils, together with machinery for the preparation of bone and other artificial fertilisators and, 1 soap works.

2. The approximate number of workpeople finding employment is 5,000, particularised—

(*a*) Males, adult, 2670.
(*b*) Females, adult, 860.
(*c*) Learners and young persons, 965.
(*d*) Unskilled labourers, 513.

3. We are not connected with any organisation of employers dealing with labour questions.

II.—Wages, Hours, and Conditions of Labour.

(*a*) Their amount and fluctuations— Wages.

Their amount is mainly regulated by the district in which the factory is situated, and the rates paid for labour in the cultivation of fields in that district. The remuneration for skilled labour varies from two to three times as much as is paid by cultivators to field labourers, and varies for skilled labour from Rs. 6 to Rs. 20 per mensem.

The fluctuation in rates of payment are small, and any fluctuation that takes place is directly attributable to the work-people themselves. In times of scarcity workpeople, by more regular attendance, or, if on piece-work, by more arduous work, can generally increase their earnings.

In normal times we estimate the average number of absentees to be about 10 per cent. per diem, and the application to work of piece-workers is far from continuous.

(*b*) Mode of payment—

(1) By the month in all factories.

(2) Piece-work is introduced into every kind of industry, as far as is practicable. This mode of payment cannot be so generally resorted to as in England, owing to the many minute sub-divisions of labour, in many instances the number of workpeople being four to five times the number that would be occupied on similar work in England, so that a thorough system of piece-work, owing to the very much larger staff of clerks that would be required for booking and checking weights and lengths, is rendered almost impossible. It is

more usual only to pay the jobbers or foremen of divisions by the piece.

(3) Never.

(*c*) Never.

(*d*) Deductions by fine are made occasionally for bad workmanship, principally in the case of weavers; fining and stoppages, except for absence from work without leave, are exceptional.

(*e*) Payments are made in specie, without exception.

(*f*) Allowances in form of—

(1) Bonuses are given to exceptionally skilled workmen on special occasions and for special work.

(2) We have provident funds attached to some works and to others accident and pension funds are provided.

(3) Except in times of general distress, none.

(*g*) Generally a month: in some instances a fortnight.

Hours of labour.

(*a*) Hours of labour have in a great measure been regulated by recent factory legislation (Act XI. of 1891). The ordinary hours are from sunrise to sunset, on the average, for male adults, but they are not actually at their work, although *prime movers* may be working, for more than 10 hours per diem if as much. The regular midday stopping time is generally occupied by the workpeople in smoking, and they usually eat their meals at such time as best suits their caste or convenience.

(*b*) Overtime is almost entirely restricted to repairs and breakdowns of machinery; time and quarter is the usual allowance, a bonus is sometimes added.

(*c*) The only night-shifts employed by us are in connexion with the oil mill, where three shifts of eight hours each are employed, each receiving an ordinary day's pay and the shifts rotating, so that the same shifts may not be continually on the night watches.

(*d*) Sunday work, unless under circumstances provided for in the new Factories Act, is no longer employed, except in the case of breakdown of machinery, when special allowances are made.

(*e*) Leave is given whenever the applicant is sick and in other cases when he can be spared, but without payment. A considerable number of extra hands are of necessity employed to supply the place of casual absentees and those applying for leave; the number of these, as stated in reply to a previous question, we estimate at 10 per cent. per diem.

Conditions of labour.

(*a*) Employment at cotton presses and coffee works fluctuates necessarily with the season; the fluctuations in length of seasons vary from four to eight months per annum, although in some cotton districts the machinery may be kept in work for four to five days per week throughout the year.

In spinning and weaving mills, work is continuous throughout the year except on the holidays provided for by the Factories Act and the hours which are devoted to the cleaning of machinery; these latter in our mills are taken from what would otherwise be working hours.

(*b*) Accidents with modern machinery can seldom occur without gross callousness or curiosity on the part of the injured; all the working parts in modern machinery are well protected, and it is only by removing the protecting covers while machinery is in motion, and which is contrary to our rules, that accidents can occur.

Lighting at the oil mills, the only factory at which it is required regularly to work at night, is done by the electric light.

Inspection of work places is performed by the Government Inspector of Factories.

All factories with which we are connected are tarred and whitewashed at least once annually, and are swept, and sweepings removed, daily.

(*c*) Compensation for accidents is provided only in cases where the injured is not to blame; otherwise, the workpeople, in this Presidency at any rate, would be glad to be injured for the sake of compensation.

(*g*) Apprenticeships have been tried, but the apprentices and the system have not succeeded; we prefer the greater control that can be exercised by the free employment and discharge of all labour.

(*h*) We have no objections to the employment of foreigners, neither are they objected to by the workpeople.

(*i*) All cotton pressing, spinning and weaving machinery employed is of the most modern construction and, consequently, is the most saving of labour.

(*j*) The machinery is all of the best quality and is for the most part the production of Lancashire and the North of England.

(*k*) No unions.

(*l*) Alterations in the hours of work or system of pay; petty tyranny on the part of overseers.

III.—Strikes and Lock-outs.

1. Strikes and lock-outs occur at intervals generally of two years. We have experienced many.
2. Less frequent.
3. We can only reply generally—

(*a*)

(*b*) The causes of dispute have in most cases been trivial.

(*c*) In the most serious strike on our record about 400.

(*d*) About 800 others thrown out in consequence who were not directly engaged in the dispute.

(*e*) No associated employers in Madras.

(*f*) By the reduction of wages, or by locking-out, or both.

(*g*) Generally reduction, when justified by circumstances an advance has been given.

(*h*) From Rs. 300 to Rs. 3,000 per week, according to the size and description of factory.

IV.—General Questions.

1. No.
2. No.
3. No.
4. No.
5. No.
6. We can only suggest the closer co-operation and vigilance of the police to prevent the physical interruption of those willing to work; strikes for the most part have been the work of a few turbulent individuals who work upon their fellow workmen, and who, when once they have succeeded in getting a sufficient number to strike, intimidate the remainder.
7. Strikes in this country usually take place when grains and other food-stuffs are exceptionally low in price and the weather is dry; at other times operatives much prefer being in the factories, where they are protected from rain and the heat of the sun and where they can earn far larger wages and with less toil than in the fields.

Since the introduction of the last Factory Act and the consequent reduction of working hours, with which we were for the most part in full accord, we anticipate that strikes will be of rarer occurrence, as coresponding reductions in wages have taken place in all departments paid by piece-work, and labourers now work harder and have less time to devote to the organisation of strikes, which have of late been much less frequent.

(Signed) Binny & Co.

From Messrs. A. and F. Harvey to the Chief Secretary to Government, dated Tuticorin, 29th April 1892.

We beg to acknowledge receipt of your No. 723-A, of 12th instant, addressed to us at Pápanásam and Tuticorin, and to annex the following replies to questions thereinreferred to:—

I.—Introductory.

(1.) We are engaged in cotton spinning, and our works are situated at Pápanásam, Tuticorin, and Madura.

(2.) At three different mills we employ workpeople as follows:—

(*a.*) Males, 1,100.

(*b.*) Females, 400.

(3.) We are members of the Bombay Mill Owners' Association.

II.—Wages, Hours, and Conditions of Labour.

Wages.

(*a.*) We consider the amount paid is ample, as is evidenced by the small *proportion* of the wages required by the labourers to procure their daily wants and to obtain all the comforts they are accustomed to in their class in life. The fluctuations in wages in this district are very slight.

(*b.*) We generally pay wages monthly, and the "hands" are quite satisfied with this arrangement, though we find it convenient to pay weekly in the case of women employed at "piece-work" such as reeling.

(*c.*) We do not approve of payment through sub-contractors, who are likely to mulct the "hands" in some way of their due.

(*d.*) Fines we exact to a small extent for negligence, leaving work without permission, &c. Some such form of punishment is absolutely necessary, as few "hands" indeed—possibly not one per cent.—take any pride in doing their work well, for their own advancement as well as their employer's interest, as a large proportion of labourers do in England. They simply try to obtain the greatest wage for the least amount of work. Hence fear of punishment of some sort is nearly the only incentive to careful working.

(*e.*) We disapprove of any "truck system." We pay only in cash.

(*f.*) Allowances we do not approve of except in a few cases to "maistries" for extra production of goods in a given time, and to persons who meet with accidents in the course of their work. We continue their pay while in hospital, and, if maimed for life, find them permanent employment of some sort in our mills.

(*g.*) Length of notice we adopt is one month.

Hours of labour.

(*a.*) Ordinary hours of labour, 6 a.m. to 6 p.m., with half hour interval at noon.

(*b.*) (*c.*) (*d.*) We have no "overtime," night shifts, or "Sunday work" except the repairing, examining and cleaning of the machinery, which is sometimes done out of the usual hours.

(*e.*) Sunday, or some native holiday instead, is always a holiday.

Conditions of labour.

(*a.*) Work is regular throughout the year.

(*b.*) Accidents are rare. We work only by daylight; cleanliness is particularly attended to; good latrines are provided.

(*c.*) Compensation for accidents. See under the heading of "Allowances."

(*f.*) Men are employed to attend the machines driven by power, women to attend reels worked by hand.

III.—Strikes and Lock-outs.

There is occasional friction between employer and the hands, but nothing that might be dignified by the name of "strike or lock-out"; such disputes never extend beyond a single department at once and are usually settled in a short time, the hands either returning to work, or a *number* of them, with some new hands to replace those that leave.

IV.—General Questions.

(1.) No such system exists in this district, nor is there any necessity for such, there being no serious disputes.

(2.) Such is foreign to the ideas of the natives of India.

(3.) There are no Government factories in this district.

(4.) There is no agency, but there is plenty of work for all who wish to apply for it.

(5.) No. The statistics of imports and exports of cotton and yarn are now registered in the Custom House.

(6.) No means are called for, the relations between capital and labour are, on the whole, good in this district.

(7.) The only suggestion we would make for the information of the Commission is that the age at which a boy may work full time be reduced from 14 to 12 as formerly. Our reasons are:—

(1.) A Hindu boy from 12 to 14 years is much "older" than an English boy of the same age.

(2.) Lads nearing 14 decline to earn half-wages and go to school half the day; therefore, they simply must leave the comparative comfort of indoor work and good wages of the factory and go to hard work in the fields and less pay, while their elder brothers, who have attained 14 years, enjoy good pay and easy and regular work in the factory. The so-called "friends" of Indian children are thus their worst enemies.

(Signed) A. & F. Harvey.

From the Secretaries, Coimbatore Spinning and Weaving Company, Limited, to the Chief Secretary to Government, dated Coimbatore, 5th May 1892.

We have the honour to return to you your questions regarding condition of labour in the textile trades of India.

2. Our manager has by mistake given marginal answers to *all*, but as we are not troubled with trade unions or associations of employers, there should have been no answers to questions under Sections A. and C.

3. We have little to remark to Government, except that since this mill was started, no work (except occasional absolutely necessary mechanic's work) has been done on Sunday.

4. In addition to this weekly day of rest, native feasts numbering about 13 in the year are holidays in this mill.

5. Our grievance is the new Factory Act, which will press very heavily on some poor people who want to work.

6. Several hands have had to be dismissed and many boys will not work for half a day, and think it a great hardship that they should not be allowed to work full time.

7. The work in these Indian mills is very light compared to the work in an English mill, and we do not think the position of mill-hands in this country is at all parallel to the position of mill-hands at home. and it seems to us iniquitous that an English Act should be forced on the labourers of this country just to satisfy Manchester agitators!

8. Many unemployed boys of 12 years of age could find work in mills which at present are obliged to refuse to engage them.

(Signed) T. Stanes & Co.

Enclosure.

Syllabus.

B.—Questions addressed to Employers.

I.—Introductory.

Questions.	*Answers.*
1. Will you state the business or businesses in which your firm is engaged, and where its works are situated?	Cotton-spinning only. Coimbatore, Madras Presidency.
2. What number of work-people are there engaged in your firm, particularised as follows:—	
Male?	200.
Female?	150.
Young persons?	Half timers 360.
3. Is your firm connected with any organisation of employers dealing with labour questions?	No.

II.—Wages, Hours, and Conditions of Labour.

	Questions.	*Answers.*
	What representations or information do you desire to offer for the consideration of the Commission under any of the following heads:—	
Wages.	Mode of payment—	
	(1) By the hour, day, or week?	All monthly.
	(2) By the piece?	Yes.
	(3) By the task?	No.
	Payment through sub-contractor?	No.
	Deductions by fines or other forms of stoppage?	Deduction only for not attending work.
	Truck or payment in kind?	No.
	Allowances in form of—	
	Bonus?	No.
	Deferred pay, such as sick, accident, pension, or other insurance system?	No.
	Free house, land, food, clothing, or other allowance or advantage?	Free house only to foremen.
	Length of notice for ending engagement?	One month.
Hours of labour.	Ordinary or standard hours of labour?	From 6.0 to 12.0 and from 1.0 to 7.0.
	Overtime and its remuneration?	Only mechanics; they should get time-and-half.
	Night-shifts and their remuneration?	Do. do. do.
	Sunday work and its remuneration?	Do. do. do.
Conditions of labour.	Weekly half holiday or other holiday without payment?	Native feast without pay.
	Irregularity of employment through seasonal or other causes?	Cannot be regulated.
	Safety of employment, and the lighting, sanitation, and inspection of workplaces?	By factory inspector.
	Employment of foreigners?	Only recommend the employment of English.
	Dismissal of representative delegates, refusal of unionists to work with non-unionists, use of black list, and mutual relations of employers and trade unions generally?	Not required.

III.—Strikes and Lock-outs.

1. Can you state how many strikes and lock-outs there have been in connexion with your works in each of the 10 years 1881–90, and in the current year up to date?	One.
2. Have such disputes been, during that period, more frequent than formerly, or less so?	No.
3. Can you enumerate the important disputes and furnish particulars in regard to each such dispute under the following heads:—	
Date of commencement and termination?	May 10th to May 12th, 1891.
The chief immediate causes of each such dispute?	Because one man struck another.
Number of workers in your employment directly engaged in each dispute?	300.
Number of persons in your employment who have been thrown out of work thereby, but who have not been directly engaged in the dispute?	200.
Attitude of associated employers towards the dispute?	None.
Mode of settlement?	Employés came to work of their own accord.
Advance or reduction of wages or other result of each dispute?	None.
Estimated loss to firm, direct or indirect, occasioned by dispute?	Very little loss.

IV.—General Questions.

1. Does any system exist in your trade in your district providing for conciliation, arbitration, sliding scales, or other means of preventing or arranging trade disputes?	None.
2. Has any system of co-operative production, industrial partnership, or profit-sharing been attempted by your firm, and, if so, with what results?	None.
3. Are the Government, or local authorities, employers of labour in your trade and district, and if so, with what results as to remuneration and other conditions of employment?	No
4. Can you supply information as to any agency in your district for finding or providing work for the unemployed?	Only the tanneries and cotton and coffee works.
5. Have you any suggestions to make as to the statistical and other information relating to your trade which is, or, in your opinion, should be, collected and published by Government?	No.
6. Can you suggest any means of avoiding or arranging strikes and promoting cordial relations between capital and labour?	No.
7. Have you any other statement or suggestion to make for the information of the Commission?	

From SECRETARIES and TREASURERS, MADRAS UNITED SPINNING AND WEAVING MILLS COMPANY (LIMITED), to the CHIEF SECRETARY to the GOVERNMENT of MADRAS, dated Bombay, 19th May 1892.

WITH reference to your printed circular, No. 723-A, of the 13th day of April last, forwarding us for our answer a copy of the syllabus of subjects to which the Committee C. of the Royal Commission on Labour will devote particular attention as regards competition of India with Lancashire in the textile trades, we have the honour to lay before the Government such information regarding the condition of the said labour as bears upon our trade of the textile fabrics in the Presidency. Such of the subjects in the said syllabus as are not dealt with by us in the present representation are not within the province of our individual trade upon which we can offer any comments for the guidance of the said Committee in their deliberation as being foreign, as far as we know, to the said trade in general.

2. There are in fact, unlike those of Lancashire, ever extant either in this Presidency or on this side of India, where we have at work several cotton mills, no trades' differences between the employers and the employed, as originating from causes affecting several questions that are framed in the said syllabus as bearing connexion with the subject of trades' differences in the textile fabrics in general. Since the mill industry was imported into India, it has never been brought to our knowledge that the scale of wages, and the mode of their payment, hours of labour and the continuity of employment, distribution and classification of work and such other matters as come under clauses D, E, F, G, H, I. J, K, L, M, and N, of the said subject, have ever given rise to a complaint on the part of the labourers to strike work or go for the settlement of disputes and differences between them and the employers in regard thereto or any of them to their or the Employers' Trades Associations or combinations dealing with the labour questions and which such associations or combinations do not owe any existence in the Presidency.

3. Upon questions falling under the category B. of the said syllabus as questions addressed to the employers, it may be observed that this company is an incorporated body, having been registered under the Indian Companies Act, with a cotton manufacturing mill at Madras working daily on an average with 667 males and 38 females. The company had never had before, nor have at any time now, any connexion whatever with any organisation of the employers dealing with the labour question, inasmuch as the very fact as to the necessity or otherwise as to the formation of such a body is entirely unknown to the traders of the Presidency, in consequence of there having arisen no serious problems on labour question ever presented themselves for solution to the employers in general. Under the system at present in vogue, our mill-labourers are, as monthly servants, paid by us regularly every month and not through any sub-contractor, whose agency we have had no occasion to resort to. Deductions are, however, made from such monthly payments on account of fines, and when there are stoppages for more than the usual monthly holidays allowed to them, such monthly payments being regulated by a calculation wrought out from the probable quantity of work a particular labourer or a class of labourers is capable of doing during so many days the mill works; but provision, however, being made to grant them sometimes a bonus, and in case of his or their meeting with an accident, while in the performance of works, a deferred pay in the shape of compensation; but save as herein-before mentioned, no such allowances are given them as are enumerated under clauses 2 and 3 of the Class (*f*), Sub-division II. of the Subject B. of the said syllabus. The Indian Factories Act XV of 1881 as amended by Act XI. of 1891 of the Legislative Council of the Government of India has made such ample provisions in that behalf for the regulation of hours and condition of labour as to render it on our part quite superfluous to advance any further information consistent with the present condition of the textile labours in the Presidency. During the period intervening between 1881 and 1890, there have been no strikes or lock-outs in connexion with our works, so that several questions bearing on this subject can call for any answer on our part.

4. The second paragraph of the present representation deals out fully the reasons as to non-existence of trades' differences, as a necessary sequence for the solution of problems arising from labour questions between the employers and the employed, as to which any system providing conciliation, arbitration, or other means of preventing or arranging disputes can owe its origin. No such system of co-operative production, industrial partnership or profit-sharing has ever been worked by us in co-operation with others similarly posted in the trade like ourselves as any result, either profitable or otherwise, accruing therefrom, can be brought home to the knowledge of the Government in order that the true condition of the trade in textile fabrics can be arrived at. We do not know whether the Government or any of the local authorities have ever acted as employers of labour in our trade or district, and with our limited knowledge no suggestion of remedy can be given or supply of information can be made leading the Government to find out an opening for the unemployed to find works. Within our business experience of so many years it is established beyond doubt that whenever either in a town or district there rises a mill-industry, there comes from the surrounding places, as a necessary result, an influx of labouring classes to seek in the mill and employment which, by reason of procuring them more comforts and easy mode of life, seems to them more lucrative than the indigent and unremunerative works they get in their native place.

5. In order that a country may be made properous commercially and with a view that the traders may have within their reach for their guidance, those statistics as bear particular relation to the trade they are engaged in, it is our belief that there should be published, every year, from such of the departments of the Government upon whom such a duty is cast, (*a*) a forecast in the beginning of the season, giving the area of the land cultivated, the future condition of the crop, and the approximate quantity such a crop would yield by the area of such land cultivated at the end of the season, and (*b*) at the end of the year, a comparative statement setting forth, so far as the information at the disposal of the Government is concerned, the actual outturn the said crop yielded, giving reasons as to increase or decrease thereof as compared with the past years, and setting forth also the quantity used by mills and other handicraft works of the Presidency and exported into the foreign parts, and such other information as the nature of the trade requires and which the Government deems necessary in the interest of the trade to embody therein.

6. We submit that there appears no reason why India —and particularly this Presidency—should compete with Lancashire in foreign markets in the trade of textile fabrics so far as the spinning of finer yarn and cloth by the latter is concerned. Whatever motion that might have been made by them on the subject of this competition must have its origin out of a selfish motive on their part to hamper India in its legitimate trade, and must have been based upon exaggerated facts and statistics which, in the absence of their not forthcoming before us, we are unable to meet with in the present representation.

(Signed) MOOLJEE, JAITHA AND CO.,
Secretaries and Treasurers.

From the CHAIRMAN, MADRAS TRADES' ASSOCIATION, Madras, to the CHIEF SECRETARY TO GOVERNMENT, dated 201, Mount Road, 16th May 1892.

I HAVE the honour to state that your letter of the 12th April 1892 on the subject of the textile trades of India, with regard to their competition with Lancashire, has been placed before the members of the Association, and that no information is forthcoming, owing to the fact that they are in no way connected. I have also to state that the object of the association is for the promotion of unanimity of purpose amongst its members on all subjects involving the interests of the trade. No industries are represented save working in metals and coach-building. With regard to wages, men are paid by piece or by the day, payments in most cases being made fortnightly. Strikes and lock-outs are happily unknown to the members.

(Signed) C. SETON,
Chairman.

From the OFFICIATING DEPUTY SECRETARY TO THE GOVERNMENT OF INDIA, Home Department (Judicial), dated Simla, 10th June 1892, No. 776.

From the MANAGER OF THE MALABAR SPINNING COMPANY, Katuparamba, Calicut, to the CHIEF SECRETARY TO GOVERNMENT, dated Calicut, 13th June 1892.

THE Malabar Spinning and Weaving Company's Mills are situate at Katuparamba, three miles from Calicut. Spinning and reeling alone are carried on at the

mills. The number of spindles working are 17,000, and the total number of hands employed at the mills is 580, as follows :—

Adults - - -	400
Females - -	33
Boys and learners -	70
Unskilled labourers -	77

2. The owners are not connected with any organisation of employers.

3. The hands are paid part of them by piece and part by fixed wages, viz., the card-room hands and reeling-room hands are paid by piece, whereas the remainder of the hands including spinning department are paid by day wage and paid also for days when the mill is stopped. The reeling-hands are paid each fortnight or twice a month, viz., on the 8th and 20th of the month, whereas the rest of the mill hands are paid on the 15th of each month, and are paid by myself, the manager.

4. Advances are made to the hands between payments according to my own discretion. The average amount paid in wages monthly at these mills is about Rs. 4,850.

5. Our daily outturn of yarn is from 6,000 to 6,500 lbs. mixed counts or equal to 5,700 lbs. average 20*s*.

6. The hours we work are not fixed, but from daylight to dark is the time.

7. This mill has been working now four years, and up to date no dispute of any mention between masters and men has taken place.

8. I beg to apologise for my not complying sooner, but I have been unable owing to sickness. Trusting this will suit your requirements for the present—I beg to remain, &c.

(Signed) A. Ashworth,
Mill Manager, Calicut.

From the Secretaries and Treasurers of the Bellary Spinning and Weaving Company (Limited), to the Chief Secretary to Government, dated Bellary, 16th June 1892.

With reference to your letter, No. 723-A, dated 12th April 1892, we respectfully beg to submit our answers [1] to a series of questions addressed to us as employers of labour (Section B of your letter).

2. We exceedingly regret that owing to the absence of the senior member of our firm and his indisposition for some time past, we were not able to reply to your letter earlier, for which we beg to apologise.

(Signed) A. Sabapathy Moodeliar.

Enclosures.

Questions with reference to the Chief Secretary to the Government of Madras' letter, No. 723-A., dated the 12th April 1892, answered.

Employers.

I.—Introductory.

(1) Spinning and weaving are the businesses in which our firm is engaged. It is situated in Bellary—

16,392 spindles for spinning.
110 looms for weaving.

(2) Number of workpeople engaged in our firm, particularised as follows :—

(*a*) Male - - -	-	382
(*b*) Female - - -	-	62
(*c*) Apprentices, &c. - -	-	20
(*d*) Unskilled labourers -	-	15
Total -		479

(3) Our firm is not connected with any organisation of employers dealing with labour questions.

II.—Wages, Hours, and Conditions of Labour.

Wages.

(*a*) Wages, which are paid monthly, range from—

Rs. 6	to 30	a month	(male).
„ 4	„ 10	„	(female).
„ 3	„ 6	„	apprentices and young persons.
„ 6	„ 7½	„	unskilled labourers.
„ 60	„ 150	„	spinning, carding and weaving masters, each.
„ 300	—	„	manager.
„ 150	„ 300	„	engineer.

There have been no fluctuations in wages.

[redacted] sent separately by book post duly registered.

(*b*) (1) Most of the hands are paid monthly. This mode of payment is the one generally preferred by the workpeople and employers. Some are paid by day. Only in case of overtime the workmen are paid by hour.

(2) By the piece.

(3) No task-work system is in vogue.

(*c*) No payment is made through sub-contractor as this system is against the interest of both the employers and the workpeople.

(*d*) Fines are inflicted when absolutely necessary. Absence without leave for one day is punishable with stoppage of two days' wages except under medical certificate from the company's medical officer, when only one day's wages is deducted for the day's absence.

(*e*) Payment is always made in specie and not in kind.

(*f*) (1) No allowances in the form of bonus.

(2) In case of accidents the wages or pay, as the case may be is continued until discharged from the hospital. In case of severe hurt or serious accident which render the operative unfit for further service to which he is accustomed, he is given light work on a lower salary. No pension or insurance system or any other advantage for the servants.

(3) Free house is allowed to all covenanted servants and to workmen coming from distant places. No food, clothing or any other allowance or advantage except free medical aid.

(*g*) One full month previous notice for ending the service is insisted on. This course is found absolutely necessary.

Hours of labour.

(*a*) 10½ hours a day ordinarily, with an interval of one hour's leisure in the midday.

(*b*) Overtime is always paid by hour at the workmen's usual rate of wages or salary per day.

(*c*) No night-shifts.

(*d*) Our mill is not closed on Sundays, but it is closed on the "Shandy" or fair day generally. No remuneration is paid on holidays to those who do piece-work on work days and to the day labourers if the mill is closed the whole day. No deductions are made in the case of persons who are paid by month and who form the majority of the mill operatives.

(*e*) When half-holiday is allowed, remuneration is paid for the whole day for day labourers.

Conditions of labour.

(*a*) The work is carried on throughout the year; but the labourers, who are drawn mostly from the agricultural classes as a rule, absent themselves for long periods, especially during sowing and harvesting seasons. Their places are taken up by others.

(*b*) Guards are employed to protect the persons of mill operatives who work near belting, shafting, &c., in the mill.

The work is carried on only between sunrise and sunset. When urgent repairs have to be done during nights, proper lighting is kept up, no mineral oil being used on any account.

Sanitation is looked after by a medical officer in the service of the mill.

The work place is periodically inspected by a local magistrate who is ex-officio Inspector of Factories in this district. He sees that sanitation is maintained and he also inquires into the grievances, if any, of the mill servants. In short, this Government official satisfies himself that everything is done in the mill in conformity with the Factory Act.

(*c*.) In case of accidents, the persons hurt are paid their usual pay or wages as long as they are under the surgical treatment in the hospital. If in consequence of the accident, the men—*i.e.*, workpeople—became unfit for further service, they are given light work and put on lower pay.

(*d*.) Blacksmiths, carpenters, moulders, fitters, tinkers, turners, cobblers work short hours on salaries ranging from Rs. 10 to 30 per mensem.

(*e*.) A workshop is attached to the mill. Nearly all work required for the mill is done here. No work is given to the workpeople to be done at their homes.

(*f*.) Children between the ages of seven and twelve are worked not more than nine hours a day.

(*g*.) Apprentices are taken in all departments of the mill including workshop and foundry on salaries ranging from Rs. 3 to Rs. 6 a month. They are at liberty to leave the work when they become fair workmen and not bound to serve the company for any stated period.

(*h*.) Foreigners are employed when equally able and skilled natives could not be had.

(*i.*) Every opportunity is seized to introduce cheap and efficient labour-saving machinery, such as thread extractor, &c.

(*j.*) Always materials, machinery and plant of approved quality alone are supplied.

(*k.*) No trade unions; no black list. Relations between employers and tradesmen are always good.

(*l.*) Disputes arise when the Hindu and Muhammadan festivals are not recognised as holidays by employers, so these festival days are always recognised as holidays. As a rule, for the convenience of the mill-owners, all Hindus are allowed holidays on nearly all the important festival days of the Muhammadans and the Muhammadans on all the important Hindu festival days.

III.—Strikes and Lock-outs.

1. There had been no strikes or lock-outs in the history of the mill since it commenced work in 1883 up to date.
2. Nil, *i.e.*, no disputes.
3. Nil.

A to L—Nil.

IV.—General Questions.

1. Trade disputes are generally settled by arbitration or conciliation, but such are very scarce.
2. No co-operative production, industrial partnership or profit-sharing system has been attempted.
3. Government and railway company are employers of labour in this district but not in our trade. Results as to remuneration are more satisfactory in the mill than with Government or railway servants.
4. We know of no agency for finding work for the unemployed in this district except emigrant agencies.
5. Government collects and publishes statistical and other information relating to our trade, but they are not easily available.
6. Cordial relations between capital and labour could be maintained by kind treatment, such as liberal and regular payments, some holidays with or without remuneration or pay, medical aid, provision in case of accidents and some sort of Government supervision.
7. All spinning and weaving companies and other factories coming under the operation of the Indian Factory Act should be compelled by Government to make provision for the maintenance of persons rendered unfit for further work by accident to their person while in discharge of their duty in the mill premises.

Provision must also be made for supply of medical aid for all the workpeople in factories coming under the Factory Act.

Order—dated 6th July 1892, No. 1243, Judicial.

The following letter will be despatched to the Government of India.

2. The thanks of Government will be conveyed to the gentlemen who have furnished information.

[Here enter No. 1244, dated 6th July 1892.]

(True extract.)

J. F. Price,
Chief Secretary.

Exd. A. Raitt.

No. 3,249, dated Bombay Castle, the 12th September 1892.

From T. T. Mackenzie, Esq., Chief Secretary to the Government of Bombay, General Department, to the Secretary to the Government of India, Home Department.

No. 7 Statistics, dated 4th February 1892.

Adverting to your letter No. 368, dated 14th March 1892, forwarding copies of a despatch from Her Majesty's Secretary of State giving cover to a letter with enclosures from the Royal Commission on Labour, in which information is requested concerning the condition of labour in the textile trades of India, and asking that arrangements might be made to record answers to as many as possible of the questions marked A, B, and C, and that a succinct memorandum summarising the different replies might be appended to them, I am directed to submit for the information of the Government of India printed copies of such answers as have been recorded, and of a memorandum thereof prepared by the Acting Chief Inspector of Factories, Bombay.

2. With reference to paragraph 2 of your letter, I am to express the regret of his Excellency in Council that, owing to the paucity of officers available, it was found impossible to place one on special duty—desirable though it would have been—with a view to collect the desired information. It has therefore been obtained through the various collectors of districts and other officers, and I am to add that, looking to the hurried nature of the inquiry and the means at the disposal of this Government for making it, it is not desirable to put too much confidence in the accuracy, as a whole, of the results.

Replies to Questions set by the Royal Commission on Labour concerning the Condition of Labour in the Textile Trades of India. With a succinct Memorandum summarising the replies.

The Ahmedabad Cotton Mills.

Answers to Questions drawn up by Royal Commission on Labour in Regular Succession.

I.—Introduction.

1. The company I represent is engaged in spinning and weaving cotton, and the works are situated in Sháhápur Division of the city of Ahmedabad.
2. The number of workpeople engaged are:—
   (*a.*) 1,307 males.
   (*b.*) 158 females.
   (*c.*) No learners.
3. Our firm is not connected with any organisation of employers dealing with labour questions.

II.—Wages, Hours, and Conditions of Labour.

Wages.

(*a.*) The monthly amount fluctuates from Rs. 13,000 to Rs. 14,000.

(*b.*) Mode of payment:—
   (1.) By the week and month.
   (2.) By piece-work.
   (3.) Not by task.

(*c.*) No sub-contractor.

(*d.*) Fines for absence and bad work are deducted.

(*e.*) No payment in kind.

(*f.*) Allowances in form of—
   (1.) Bonus is paid.
   (2.) Sickness is paid for two days in a month only and when it arises from accident in the Mill. No pension. No insurance system.
   (3.) Free house, land and medical allowance allowed to European workmen only.

(*g.*) One week's notice is required for all hands before the engagement is ended.

Hours of labour.

(*a.*) From sunrise to sunset.

(*b.*) Overtime is allowed for night work at ordinary rate of wages.

(*c.*) No night shifts.

(*d.*) Sunday work is paid as overtime at above-mentioned rate.

(*e.*) No weekly half-holiday.

Conditions of labour.

(*a.*) In short days according to season sunrise is from 6.45 a.m. to 5.45 p.m. In long days from 5.30 a.m. to 7.30 p.m.

(*b.*) In our judgment there is no risk whatever to employés in the mill. No artificial lighting is done. Sanitation fair. Inspection is being done every three months.

(*c.*) No compensation for accidents allowed except payment of wages until he or she is fit for labour.

(*d.*) In some processes there is sub-division of labour, as in mule spinning.

(*e.*) I cannot understand the question.

(*f.*) There is distribution of labour as between men, women and children according to the nature of work.

(*g.*) No apprenticeship.

(*h.*) Foreigners are employed as overlookers of departments and engineers.

(*i.*) Machinery for labour-saving is introduced.

(*j.*) Raw material is obtained on the spot; machinery and stores are obtained from England.

(*k.*) There is no trade union and no delegates.

(*l.*) The causes of dispute are irregularity of attendance and fining for bad work.

III.—Strikes and Lock-outs.

1. In connexion with the mill there have been no lock-outs or strikes in the last 10 years in the sense in which they take place in England. Occasionally the hands stop away for a day or so, when they are fined for absence or bad work, or when a reduction in wages is attempted.
2. Such disputes are of more frequent occurrence lately, owing to new mills being started in the locality.

3. As the disputes have never lasted for more than one day we have not the particulars recorded:—

(*a.*) No records are kept, their occurrence being so rare and their duration being never more than a few hours.

(*b.*), (*c.*), (*d.*), (*e.*), (*f.*), (*g.*), (*h.*). Information on these points cannot be supplied, as mill hands have not yet learnt to organise themselves into trade unions.

IV.—General Questions.

1. No.
2. No such attempt has yet been made.
3. Not in our industry as far as we know.
4. None.
5. English cotton trade statistics should be of great use to Indian mill owners if Government would kindly publish them for general information.
6. Union of interests of the employers and employed would not, in our opinion, give rise to strikes; but in our district there are no organised strikes and so very little experience of them.
7. No.

Runchorelal Chotalal,
for Madhowlal Runchorelal,
General Manager, Ahmedabad Cotton Mills.

The Gujarát Ginning and Manufacturing Company, Limited, Ahmedabad, 24th June 1892.

Answers to Questions drawn up by Royal Commission on Labour in regular Succession.

I.—Introduction.

1. The company I represent is engaged in spinning and weaving cotton, and the works are situated outside Kálupur Gate in the city of Ahmedabad.
2. (*a.*) 913 males.
(*b.*) 219 females.
(*c.*) No learners.
3. Our firm is not connected with any organisation of employers dealing with labour questions.

II.—Wages, Hours, and Conditions of Labour.

Wages.

(*a.*) The monthly amount fluctuates from Rs. 11,000 to Rs. 12,000.
(*b.*) Mode of payment—
1. By the week and month.
2. By piece-work.
3. Not by task.
(*c.*) No sub-contractors.
(*d.*) Fines for absence and bad work are deducted.
(*e.*) No payment in kind.
(*f.*) Allowance in form of—
1. Bonus is paid.
2. Servants on monthly salary are allowed three days' pay in a month in cases of sickness; and all servants and labourers are allowed eight days' pay in cases of sickness arising from accidents. No pension and no insurance system.
3. Free house and medical attendance allowed to European workers.

(*g.*) One week's notice is required for all hands for ending the engagement.

Hours of labour.

(*a.*) From sunrise to sunset.
(*b.*) Overtime is allowed for night work at ordinary rate of wages.
(*c.*) No night shifts.
(*d.*) Sunday work is paid as overtime at above-mentioned rate.
(*e.*) No weekly half-holiday.

Conditions of labour.

(*a.*) In short days according to season sunrise is from 6.45 a.m. to 5.45 p.m., and in long days from 5.30 a.m. to 7.30 p.m.
(*b.*) In our judgment there is no risk whatever to employés in the mill. Sanitation, fair; inspection is being done every three months.
(*c.*) No compensation for accidents allowed except payment of wages.
(*d.*) In some processes there is subdivision of labour, as in mule-spinning.
(*e.*) I cannot understand the question.
(*f.*) There is distribution of labour as between men, women, and children according to the nature of work.
(*g.*) No apprenticeship.
(*h.*) Foreigners are employed as overlookers of department and as engineers.
(*i.*) Machinery for labour-saving is introduced.
(*j.*) Raw material is obtained on the spot. Machinery and stores are obtained from England.
(*k.*) There is no trade union and no delegates.
(*l.*) The causes of disputes are irregularity of attendance and fining for bad work.

III.—Strikes and Lock-outs.

(1.) In connexion with the mill there have been no lock-outs or strikes in the last 10 years, in the sense in which they take place in England. Occasionally the hands stop away for a day or so, when they are fined for absence or bad work, or when a reduction in wages is attempted.
(2.) Such disputes are of more frequent occurrence lately owing to new mills being started in the city.
(3.) As the disputes have never lasted for more than one day we have not the particulars recorded.

(*a.*) No records are kept, their occurrence being so rare and their duration being short.

(*b.*), (*c.*), (*d.*), (*e.*), (*f.*), (*g.*), (*h.*). Information on these points cannot be supplied as mill hands have not yet learnt to organise themselves into trade unions.

IV.—General Questions.

(1.) No.
(2.) No such attempt has yet been made.
(3.) Not in our industry as far as we know.
(4.) None.
(5.) English cotton trade statistics should be of great use to Indian millowners, if Government would kindly publish them for general information.
(6.) No.
(7.) No.

Jumnabhai Bhagubhai,
for Munsukhbhai Bhagubhai.

Answers to Questions drawn up by Royal Commission on Labour in regular Succession.

I.—Introductory.

(1.) The company I represent is engaged in spinning and weaving cotton and the same is situated outside the Jumalpore Gate in the city of Ahmedabad.
(2.) The number of workpeople engaged are:—
685 males.
110 females.
None learners.
(3.) Our firm is not connected with any organisation of employers dealing with labour questions.

II.—Wages, Hours, and Conditions of Labour.

Wages.

(*a.*) The monthly amount fluctuates from 7,000 to 9,000 rupees.
(*b.*) Mode of payment:—
(1.) By week and month.
(2.) By piece-work.
(3.) Not by task,
(*c.*) No sub-contractor.
(*d.*) Fines for bad work and absence are deducted.
(*f.*) Allowances in form of—
(1.) Bonus is paid.
(2.) Sickness is paid for two weeks, half wages, when it arises from accident in the mill. No pension. No insurance system.
(3.) Free house, land and medical allowance allowed to European workmen only.

(*g.*) One week's notice is required from hands paid weekly, and one fortnight's notice from hands paid monthly.

(*a.*) From sunrise to sunset.
(*b.*) Overtime is allowed for night work at ordinary rate of wages.
(*c.*) No night shifts.
(*d.*) Sunday work is paid as overtime at above-mentioned rate.
(*e.*) No weekly half holiday.

Conditions of labour.

(*a.*) In short days according to season sunrise is from 6.45 a.m. to 5.45 p.m., in long days from 5.30 a.m. to 7.30 p.m.
(*b.*) In our judgment there is no risk whatever to employés in the mill. No artificial lighting is done. Sanitation fair. Inspection is being done every three months.
(*c.*) No compensation for accidents allowed except payment of wages until he or she is fit for labour.
(*d.*) In some processes there is subdivision of labour, as in mule-spinning.

(*e.*) I cannot understand the question of labour according to the nature of work.

(*f.*) There is distribution of labour as between men, women, and children, according to the nature of work.

(*g.*) No apprenticeship.

(*h.*) Foreigners are employed as overlookers of departments and engineers.

(*i.*) Machinery for labour-saving is introduced.

(*j.*) Raw material is obtained on the spot, machinery and stores are obtained from England.

(*k.*) There is no trade union and no delegates.

(*l.*) The causes of dispute are irregularity of attendance and fining for bad work.

III.—Strikes and Lock-outs.

1. In connexion with the mill there have been no lock-outs and strikes in the last six years in the sense in which they take place in England. Occasionally the hands stop away for a day or so, when they are fined for absence or bad work, or when a reduction in wages is attempted.

2. Such disputes are of more frequent occurrence lately owing to new mills being started in the locality.

3. As the disputes have never lasted for more than one day, we have not the particulars recorded.

(*a.*) No records are kept; their occurrence being so rare and their duration being never more than a few hours.

(*b.*) (*c.*) (*d.*) (*e.*) (*f.*) (*g.*) (*h.*) Information on these points cannot be supplied as mill hands have not yet learnt to organise themselves into trade unions.

IV.—General Questions.

1. No.
2. No such attempt has yet been made.
3. Not in our industry as far as we know.
4. None.
5. English cotton trade statistics should be of great use to Indian millowners, if Government would kindly publish them for general information.
6. Union of interest of employers and employed would not in our opinion give rise to strikes, but in our district there are no organised strikes and so very little experience of them.
7. No.

Choonilal Jaychand,
Secretary, the Ahmedabad Manufacturing and Calico Printing Company, Limited.

Ahmedabad, 18th June 1892.

Memorandum.

I.—Introductory.

1. My answers to the questions addressed to the employers of labour in India by the Royal Commission and my general remarks are based on an experience of 32 years in connexion with cotton as a grower, picker, ginned presser, spinner and manufacturer.

My works are at Viramgám, Ránpur, Dholera and Pipli.

In the spinning mill we employ about 600 hands—

(*a.*) Men 500.

(*b.*) Women 100.

In the gins and presses directly are employed about—

(*a.*) Men 180.

(*b.*) Women 160.

Indirectly in picking and cleaning cotton are employed—

(*b.*) Some 650 women.

(*c.*) None.

II.—Wages.

(*a.*) For labourers they vary from 5 annas to 8 annas per day.

For muccadums from 10 to 70 rupees per month in the factories. Little or no present fluctuations.

(*b.*) By the month, fortnightly, and by the week or by the day.

Wages for the mills are by the task, the piece, and by the day.

By the task the earnings vary from 6 to 17 rupees per month.

By the piece from 9 to 30 rupees, and by the day (outdoor labour) from 4 annas to 6 annas.

(*c.*) No.

(*d.*) None.

(*e.*) None.

(*f.*) None.

1. Bonus. None.
2. Deferred pay. None.
3. Free quarters. None save for muccadums.

(*g.*) Notice when required is usually two weeks.

Hours of labour.

(*a.*) In the mill—men from light to dark, women according to the limitation of the Factory Act.

In the gin and press factories—men and women (season work) nominally for 14 hours.

(*b.*) Overtime is usually remunerated by double pay.

(*c.*) Double pay.

(*d.*) Sunday work double in the mill. In the factories (season work) Sunday counts as an ordinary day.

(*e.*) Inside workpeople receive pay; outside no pay.

Conditions of labour.

(*a.*) In the mill, constant. In the factories and presses, irregular, varying from one to 3½ months in the year.

(*b.*) In the mill, the usual security. In the factories and presses, no danger beyond that surrounding the ordinary labourer in his ordinary avocation..

Lighting by electric and natural oil as distinguished from artificial light.

Sanitation by departmental inspection; the usual latrine, and disinfectant in the factories. Inspection under the Act for mill.

(*c.*) Compensation for accidents. Any injured workman or woman is restored to health at the expense of the employer. Accidents, results in deaths, depend on the circumstances of it.

(*d.*) Does not seem to apply.

(*e.*) Factories, men and women. Workshops, men.

(*f.*) Men are confined mostly to work that physically suits them, though often they do women's labour. Women are confined to light work, and children to such duties as children may be supposed to carry out.

(*g.*) None.

(*h.*) None.

(*i.*) Wherever and whenever possible.

(*j.*) Always of the best.

(*k.*) Not applicable.

(*l.*) A question not yet needed in this country.

III.—Strikes and Lock-outs.

Know nothing about them, and have had no experience of them.

IV.—General Questions.

1. 2. 3. 4. 5. 6. No.
7. Yes.

The questions above propounded are unsuited to the condition of the people and the country, and are extremely mischievous.

India is a country that is yet blessed with a large amount of honest simplicity, and still retains an uncorrupted civilization.

It is, therefore, hard to comprehend how or in what way it is proposed to benefit this people by the introduction of questions on the relation of capital and labour strikes, agitations, and combinations. These are the excrescence of an over-hasty civilization, and are as far from a good purpose in this country, or a kindness to its people, as the east is from the west.

It would scarcely be right to propound from the back slum vocabulary of Ratcliff Highway, or from any other vocabulary, questions on the Sixth Commandment to be asked by parents to their children of six years. It is no more right to ask the questions propounded above.

They will possibly be asked soon enough, and start the germ of a pestilence that will decimate India.

If by any process of thought some scheme could be devised not suggested by the most offensive form of modern life, but by Nature's purer laws, that would hold the native to the good that is in him, and there is much of it, the scheme would be worth the most careful attention of the highest Commission.

But this is not within the possibilities. On the contrary, the modern genius seems to rush after that which is most striking in his own civilization, and, therefore, often after its weaknesses and in all unfitness, applies them to his Aryan brother.

Such courses are much to be deprecated.

The scriptural saying that he who seiz[redacted] and looks back is lost, is not applicable [redacted] life of this country. It should be r[redacted] the plough, and does not look back [redacted] he rules. Questions should be [redacted] stances, the question to the qu[redacted]

wise is to commit as great an offence against the moral law as the planting of cabbages wrong end up would be against the physical law. It is desirable to begin at the beginning, and propound only ideas that will suit the people and the times we are dealing with.

At present India would best solve the questions raised in this paper by being left alone. In the ordinary course of nature she will grow into a worse life, for the teachers of the bad are roaming about, seeking how they may devour her, or draw her from the good she possesses to the bad she presently knows not of.

G. T. WHITTLE.

Viramgám, 19th June 1892.

N.B.—14 hours is nominally the ginning factory's working day, but a gin is usually the property of a family, and as such is worked by it. I have a gin behind which a mother has brought up a family of eight children, and she holds possession.

G. T. WHITTLE.

The Ahmedabad Millowners' Association.

To C. E. FROST, Esquire, Collector, Ahmedabad.

SIR, Ahmedabad, 21st June 1892.

In reply to your office No. 1522 of 1892, dated the 5th instant, desiring me to give replies to questions drawn up by the Royal Commission on Labour, I beg to say that our association is yet in its infant condition, and consequently we are not yet in a position to answer most of the questions drawn up satisfactorily. I am asked by our association to answer such of the questions under the head of "C—Questions addressed to Employers' Associations" as is possible to answer.

The replies are sent herewith with the printed questions as desired.

I beg, &c.

G. G. PANDIT, Secretary.

REPLIES.

I.—INTRODUCTORY.

1. Cotton spinning and weaving.
2. To the City of Ahmedabad and its neighbourhood.
3. Nine.
4. About 8,000 workpeople.
5. I am not prepared to answer this question at this stage of the life of our association.
6. No occasion has as yet arisen for the association to deal directly or indirectly with matters of difference arising between associated employers and their workpeople.
7. No, not yet.

II.—WAGES, HOURS AND CONDITIONS OF LABOUR.

1. (*a.*) Monthly wages, where they are paid, remain the same throughout the year; so is also the case with weekly wages, but the rate of piece-work labour fluctuates.

(*b.*) Overtime work is paid by the hour. We pay some workpeople by the month, some by the week, and some by piece-work.

(*c.*) We have no system of paying by sub-contractor.

(*d.*) Sometimes wages are stopped for bad work, bad conduct, or for absence from work.

(*e.*) We have no system of truck or payment in kind.

(*f.*) (1.) Bonus is given to workpeople for excellence of work or for extra production.

(2.) When a person is injured while working, he is paid his wages till he comes back to his work. There is no system of pension or any other insurance system.

(3.) To European employés free house, light and fuel are allowed, but to other workpeople nothing of the sort is given.

(*g.*) One week's notice.

Hours of labour.

(*a.*) Ordinary hours of labour for male adults are from sunrise to sunset. For females and children under 14 the working hours are regulated by law.

(*b.*) If overtime work is taken, the workpeople are paid according to their ordinary rate.

(*c.*) We have no night-shifts.

(*d.*) Ordinary engine, boilers and mechanic shop-people are required to work on Sundays, and generally [redacted] paid any extra money for their work.

[redacted] no system of weekly half-holidays.

[redacted]t is pretty regular throughout the [redacted]here is a big breakdown.

[redacted]e machinery are safely guarded.

[redacted]nty of light during the working hours; sanitation fair and Government inspectors inspect the mills every three months or oftener, as they like.

(*c.*) No compensation for accidents is allowed.

(*d.*), (*e.*), (*f.*) I cannot understand the drift of these questions.

(*g.*) There is no system of regular apprenticeship.

(*h.*) Foreigners, meaning by it Englishmen, are employed as heads of inside departments, such as carding, spinning, weaving, engineering department in most of the mills.

(*i.*) Most of the machinery is labour-saving, and any new machinery that saves labour is speedily brought into use.

(*j.*) Cotton used in mills is generally Indian and mostly bought in the city. It is not so good as the Egyptian and American cottons. Most of the mills use wood instead of coal. Wood is also bought in the city or its neighbourhood. Stores and machinery is all English and comes from England.

(*k.*), (*l.*) None of these things have any existence in our district.

III.—STRIKES AND LOCK-OUTS.

1. There have been no general strikes in our part of the country. If the workpeople of any of the departments strike work, it is only for a day at most. Whenever these slight strikes, as they may be called, take place, the invariable cause of them is fining on the part of the employers for bad work or attempting on the part of the employers to reduce their wages. But such disputes are always amicably settled, and so, I am humbly of opinion, the information required under the heads 1, 2 and 3 cannot be supplied.

IV.—GENERAL QUESTIONS.

1. No.
2. No.
3. No.
4. No resolutions of the kind have been passed.
5. It will be a very good thing if Government should collect information regarding cotton spinning and weaving as it is carried on in England, and publish the same for the information of traders in the same line in India.
6. As far as our Indian workpeople are concerned, the occasions for strikes are very rare and far between; and even then they are not general. Even these few and far-between strikes can be avoided if employers of labour in the cotton-spinning industry are more sympathetic than they are at present and pay more attention to the improvement of the condition of the workpeople.
7. No.

G. G. PANDIT, Secretary,
Ahmedabad Millowners' Association.

No. 255 of 1892.

From MIR GULAM BABA, Khan Bahadur, C.I.E., Chairman, Gulam Baba S. & W. Co., Limited, Surat, to F. S. P. LELY, Esquire, Collector, Surat.

SIR, Surat Palace, 30th June 1892.

WITH reference to your memoranda Nos. 1467, 1628, 1666, I beg to submit herewith replies to the questions referred to therein.

B set of questions is herewith returned.

I have, &c.,

MIR GULAM BABA KHAN,
Chairman, Gulam Baba S. & W. Co., Limited.

I.—INTRODUCTORY.

Cotton Spinning opposite to the Railway Station, Surat.

(*a.*) Males 338 and 80 boys.
(*b.*) Females 156 and 68 girls.
(*c.*) None.
(*d.*) None.

Our firm is connected with the Bombay Millowners' Association.

II.—WAGES, HOURS AND CONDITIONS OF LABOUR.

(*a.*) From two annas to eight annas per day.
(*b.*) Mode of payment—
(1). Monthly payment.
(2). By the piece-work.
(3). By the task.
(*c.*) Nil.
(*d.*) Deductions by fines.
(*e.*) None.

(*f.*) Allowances in form of bonus, pension or houses.
(1.) Nil.
(2.) We pay in case of accident and sickness.
(3.) Nil.
(*g.*) One month's notice.

Hours of labour.
(*a.*) Ordinary hours of labour.
(*b.*) Nil.
(*c.*) Nil.
(*d.*) Nil.
(*e.*) Fortnightly quarter day and other holidays without payment.

Conditions of labour.
(*a.*) Many irregularities.
(*b.*) Yes.
(*c.*) No.
(*d.*) No.
(*e.*) No.
(*f.*) Yes.
(*g.*) No.
(*h.*) No.
(*i.*) Nil.
(*j.*) The question is rather unintelligible when the same is taken with the heading "Conditions of labour."
(*k.*) None.
(*l.*) None.

III.—Strikes and Lock-outs.

1. There were two strikes in the year 1882.
2. No.
3. Yes, so far as we can.
(*a.*) The first strike commenced on the 13th November 1882 and terminated on the 14th November 1882, and the second commenced on the 19th December and terminated on the 24th December 1882.
(*b.*) Dissatisfaction with the manager.
(*c.*) Cannot answer accurately, as nothing is on record.
(*d.*) No.
(*e.*) Quiet and peaceable.
(*f.*) Returned to work voluntarily.
(*g.*) Nothing.
(*h.*) Estimated loss about nine hundred rupees on account of two strikes.

IV.—General Questions.

1. No.
2. Yes; as there are 20 gins attached to the mill, the Company occasionally joins the Cotton Gin Association of Surat; the results being that during those years we get a profit ranging from about Rs. 900 to Rs. 3,300.
3. No.
4. No.
5. At present we have no suggestion to make for the purpose referred to in this question.
6. Good management.
7. Yes; we would suggest for the information of the Commission that the present restriction under the amended Factory Act of 1891 as to the time of labour of females and children should be entirely removed, because we are of opinion that the labour should be free, that is, there should be no restriction to the working hours of females and children, for that restriction will reduce them to poverty in time and also be detrimental to the prospects of the mill industry.

Mir Gulam Baba Khan.

To F. S. P. Lely, Esquire, Collector of Surat.

Sir,

As required by your endorsement No. 1467, dated 3rd ultimo, on the back of the extract of Government Resolution No. 1779, dated 30th May last, I have the honour to submit the following observations:—

1. The firm or rather the joint stock company with which I am connected as one of its directors buys raw cotton and manufactures yarn and cloth of various descriptions, and its works are situated at Begamwari in Surat.

2. The average number of workpeople engaged daily in the Company's works are as under:—

Males, adults	410
Do. children	51
Females, adults	138
Do. children	41
Apprentices	0
Unskilled labourers	15

3. The Company is connected with the Bombay Millowners' Association, which deals with labour questions at times, as a member of it.

On the second head of Wages, &c., I have no representation to make to the Commission; but if the state of things which prevail in the Company's mill be of any use to them, I submit them as under:—

With few exceptions of fixed monthly salaries, piece-work forms the general feature of wages here. As it affects the employers and employed alike, it is the most approved system of payment for labour employed. Their rates vary according to quality and worth of work performed by the employés and fluctuate under the ordinary rule of demand and supply.

Payments are invariably made monthly and individually, and people are well satisfied with them.

Sub-contract system does not prevail, as it seldom finds favour with both the employers and employed.

Deductions are made for defaults and absence without leave for preservation of discipline.

No system of payment in kind or bonus exists, nor free house, food, or clothing are supplied.

In cases of sufferings from accidents only, half the wages are allowed for such times as the patient becomes unfit for work.

A month's notice for ending engagement on either side is necessary, misdemeanours excepted.

The ordinary hours of labour for adults are from 11 to 13, according to the length of the day throughout the year with three-quarters of an hour's recess in the midst. This rule applied to females and children alike before the new Factory Act came into force. The reduction in the hours of labour in the case of the latter under the Act has been a source of much annoyance, dissatisfaction, and disadvantage to employers and employed alike. The Company lose a great deal by decrease of production and increased labour, and the hands suffer from insufficient wages, more particularly those that are paid by piece-work.

Overtime is only allowed to monthly-paid hands in cases of repairs, &c., executed during extra hours.

The other part under this head calls for no remark, as most of the questions referred to relate rather to incidents of English or home mills than those of an Indian mill.

There has been no strike in the proper sense of the word in connexion with our work at any time. One or two secessions there were, but they were only partial and for slight reductions in wages, and were very soon got over. I am unable to give every particular under this head, as the incidents occurred long ago.

The questions referred to in the last and fourth head can only be answered in the negative, as there never existed any co-operative societies or constitutional organisation to manage the affairs and further the interests of trade in this district.

Yours, &c.

Ishwardas Jagjivandas Store.

B.—Answers.

I.—Introductory.

1. Our firm manages the Svadeshi Mills Company, Limited, situated at Kurla, in the Thana District, nine miles by rail from the city of Bombay. It works all through the year and manufactures yarn and weaves cloth.

2. The number of workpeople employed at the mills are as under:—
(*a.*) 1,572 males.
(*b.*) 514 females.
(*c.*) 9 apprentices and 345 young persons, of whom 10 are females.
(*d.*) 108 unskilled labourers.

3. Our firm is not connected with any employers' organisation dealing with labour questions.

II.—Wages, Hours and Conditions of Labour.

Wages.

As the mill is situated a little away from the Bombay mill district labour is not only dearer but on some occasions the supply is not equal to the demand. At any rate during the first three years, after the mill was purchased by us from auction in 1887, we experienced difficulty in getting an adequate number of operatives to mind our machines. The supply, however, has improved during the past two years.

(*a.*) Wages paid at the mills amount to Rs. 26,000 per month :—

	Rs.	a.
A spinner earns per month - -	25	0
A weaver winding two looms -	16	8
A weaver winding one loom -	10	8
A reeler (woman) - - -	9	8
A doffer (boys and girls) above age	6	0
A doffer (boys and girls) under age	3	8
A winder (woman) - - -	10	8

(*b.*) (1.), (2.) Generally payment is made by the month. Wages of children are fixed by the month, while those of adults are regulated by piece-work, save in a few cases.

(3.) None by the task.

(*c.*) None.

(*d.*) Fines are inflicted mostly for bad work, but they are trifling in amount. Infringement of the rules in force for operatives is also punished by fines. They are about 1 per cent. of the total amount of wages paid in a month.

(*e*). None.

(*f.*) (1.) None.

(2.) It is customary, in case of accident to an operative, to allow him full wages while he is laid up and until he is able to resume work. In the case of those who are disabled from doing the work they did before the accident, other suitable employment is found in the mill. As to persons dying by reason of accidents, their nearest relations are given a compensation ; and the children, if of a workable age, and willing, are offered employment in the mill.

(3.) None.

(*g.*) Thirty days' notice is given and required to terminate an engagement.

Hours of labour.

(*a.*) The average duration of work all through the year is 11½ hours per diem, statutory Sundays and certain specified holidays excluded. Male adults work for the regular hours, with half an hour's rest at midday ; female adults and all children work in terms of the provisions prescribed under the Factory Act.

(*b.*) None for ordinary workpeople.

(*c.*) None.

(*d.*) None.

(*e.*) None.

Conditions of labour.

(*a.*) None.

(*b.*) Machinery is well fenced and guarded. No artificial lighting is used. Latrines and drinking water are adequately provided. Mill premises are well ventilated and regularly whitewashed at stated periods under the Act. Inspection is done by factory inspectors.

(*c.*) Vide answer to 1. (*f.*) (2) on wages.

(*d.*) None.

(*e.*) None.

(*f.*) Women only work on reels and winding machines ; children doff and piece. The rest of the branches of the mills are attended to by men.

(*g.*) We receive a limited number of apprentices who may have passed either the university entrance examination or the seventh standard of public schools. They are bound for three years, with two years' further service at the option of the company, on terms and conditions mentioned in the accompanying form marked A. It may be here observed that no such conditions of apprenticeship prevail elsewhere in Bombay. The usual practice seems to be for the apprentice to bind himself for two years to a carder or spinner, or engineer in a mill, on the payment of an honorarium mutually agreed upon, generally ranging from Rs. 1,000 to Rs. 2,000, according to the reputation of the master to whom he is apprenticed.

(*h.*) Two Europeans are employed at the mills.

(*i.*) Every labour-saving machinery that could be practically put to work is employed.

(*j.*) Raw cotton and such country stores as could be provided by local markets. Other stores indented from European markets. Machinery and plant wholly imported from Europe.

(*k.*) Unknown here as there are no trade unions.

(*l.*) None.

III.—Strikes and Lock-outs.

1. There was one strike in 1887, which had its origin in alleged inadequacy of the rate of wages in the card and weaving rooms. It lasted three days. We are not personally aware of the strikes prior to 1887 in the Kurla District, as our firm was not connected with the mills from 1880 to 1887.

2. We cannot say, but we believe they are rare.

3. No.

IV.—General Questions.

1. None exists.

2. None attempted.

3. No.

4. There is no agency in Kurla ; but some few months ago the Salvation Army, which has its head-quarters in Bombay City, offered us a few unemployed operatives, but the trial was hardly satisfactory. The Salvationists have, we believe, made known tothe public the existence of their "Labour Bureau."

5. All statistical and other information relating to industry is collected and recorded by the Bombay Mill-owners' Association, a copy of which is furnished to the local government. Independently of this, the Government of Bombay annually collects certain statistics, And the Government of India's annual publication of the statistics of agriculture, arts, manufactures and industries contains all requisite information. This publication is officially known as "The Statistical Abstract."

6. No occasion has arisen yet. As a rule, the relations subsisting between capital and labour are of a cordial character.

7. We have no other statement or suggestions to make for the information of the commission.

Tata and Sons,
Agents.

A.

Articles of agreement, made this day of one thousand eight hundred and ninety between the Svadeshi Mills Company, Limited, of Bombay, registered under Companies' Act, 1882, and carrying on its business in Bombay, of the one part and of of the other part. Witness that the said apprentice of his own free will doth by these presents put, place and bind himself unto the said company for the term of three years from the date hereof as a working apprentice or operative to serve the company in their mills at Kurla or in any other mills or factories which may belong to the said company or be under their management in any other part of India. And the said apprentice hereby covenants that during such term of three years he will truly and faithfully serve the said company, obey their lawful commands, keep their secrets, diligently and carefully learn and perform such work and business as may be entrusted to him, give to the said company when required, true and correct account of the goods and monies which may be committed to his charge or come into his hands, and attend to and remain at his work regularly and steadily at and during such hours as may be prescribed by the regulations of the said company or by the custom for the time being prevailing. And, further, the said apprentice covenants that he will not during the said term knowingly or intently do any damage to the machinery, goods or any other property belonging to the said company or consent to any such damage being done by others, but will, if possible, prevent the same and give warning thereof and will not embezzle or waste the property or goods of the said company, nor give or lend the same to others, nor absent himself from its service without leave. In consideration of rendering it service in the manner aforesaid the said company hereby covenants with the said apprentice that its officers and workpeople will do their best to make him learn and perform such work and business as he may be put to in all or any of the departments of its mill, and that it shall allow him during the first three years of the aforesaid period of three years, a monthly salary of Rs. (10) ten every month. Provided that if during the first two years of his service the said apprentice learn and perform his work and otherwise conduct himself to the entire satisfaction of the agents or the chief responsible officer at the mill, the said company shall at the expiration of the second year of his engagements grant him a bonus of Rs. (125) one hundred and twenty-five. And further, if the said apprentice similarly learn to efficiently perform his work and satisfactorily conduct himself during the third year of his service the said company shall at the end of the said third year grant him a bonus of Rs. (250) two hundred and fifty. Provided also that if the agents are desirous of terminating the service of the said apprentice at the expiration of the third year it shall be lawful for them to do so upon giving the said apprentice (15) fifteen days' previous

notice, either verbally or in writing, and thereupon this agreement shall absolutely cease and determine, notwithstanding anything to the contrary herein contained. Provided also that if the agents are willing to retain the service of the said apprentice after the expiration of the said period of three years, the said apprentice shall continue to serve the said company for a further period of two years truly and faithfully in accordance with the stipulations hereinbefore contained, and the said company shall during such continued service pay him every month a salary of Rs. (30) thirty. Provided further that if the said apprentice commit a breach or refuse or neglect to perform or observe any of the covenants, agreement or stipulations hereinbefore contained, or on his part to be observed or performed, then and in such default the said apprentice shall forthwith refund to the said company all the moneys paid to him by the said company, whether by way of salary, bonus or in any other manner whatsoever, such refund shall be considered and held to be as and for liquidated damages, and the agreement hereby entered into and the unexpired period of his engagement shall thereupon cease and determine. In witness whereof the said parties have hereunto affixed their hands the day and year above written.

Witnesses:

Replies of the Manager, Kurla Spinning and Weaving Mills.

I.—Introductory.

Q.—1. Will you state the business or businesses in which your firm is engaged, and where its works are situated? *A.*—Cotton-spinning and weaving. The factory is situated at Kurla.

Q.—2. What number of work people are there engaged in your firm, particularised as follows? *A.*—*a.* Male 1,043. *b.* Female 279. *c.* Apprentices or other learners or young persons 2. *d.* Unskilled labourers 6.

Q.—3. Is your firm connected with any organisation of employers dealing with labour questions? *A.*—None.

II.—Wages, Hours and Conditions of Labour.

What representations or information do you desire to offer for the consideration of the Commission under any of the following heads?

Wages.

Q.—(*a.*) Their amount and fluctuations? *A.*—From Rs. 8 to Rs. 20; there are a very few who draw from Rs. 50 to Rs. 70.

Q.—(*b.*) Mode of payment?—

(1) By the hour, day, or week.
(2) By the piece.
(3) By the task.

A.—By the piece; and in some cases by the day.

Q.—(*c.*) Payment through sub-contractor? *A.*—In very rare instances.

Q.—(*d.*) Deductions by fines or other forms of stoppage? *A.*—The present deduction by fines is good.

Q.—(*e.*) Truck or payment in kind? *A.*—None.

(*f.*) Allowances in form of—

Q.—(1) Bonus? *A.*—None to workpeople.

Q.—(2) Deferred pay, such as sick, accident, pension or other insurance system? *A.*—We pay people who are sick by accident.

Q.—(3) Free house, land, food, clothing, or other allowance or advantage? *A.*—None.

Q.—(*g.*) Length of notice for ending engagement? *A.*—It would depend upon the nature of the fault. Some may deserve instant dismissal, others may require a week's or a fortnight's notice.

Hours of labour.

Q.—(*a.*) Ordinary or standard hours of labour? *A.*—12 hours.

Q.—(*b.*) Overtime and its remuneration? *A.*—For all repair works overtime is necessary, not otherwise. Remuneration double the time given.

Q.—(*c.*) Night-shifts and their remuneration? *A.*—We have nothing of this kind here.

Q.—(*d.*) Sunday work and its remuneration? *A.*—It is necessary for repairs and its remuneration should be given in *some* cases with double time, not otherwise.

Q.—(*e.*) Weekly half-holiday or other holiday with or without payment? *A.*—Not required, all holidays to be without payment.

Conditions of labour.

Q.—(*a.*) Irregularity of employment through seasonal or other causes? *A.*—It does happen very frequently, and is a great nuisance and should be punished severely, except in cases of sickness or other emergencies.

Q.—(*b.*) Safety of employment and the lighting, sanitation and inspection of work-places? *A.*—What is done on these points at present is enough.

Q.—(*c.*) Compensation for accident? *A.*—We give our work people half-pay for the time they are sick.

Q.—(*d.*) Sub-division of labour as between different trades? *A.*—None.

Q.—(*e.*) Distribution of labour as between factories, workshops and homes? *A.*—None.

Q.—(*f.*) Distribution of labour as between men, women and children? *A.*—It should be distributed according to strength and skill. Women should not be allowed to work with the men in the same department or room, as far as possible.

Q.—(*g.*) Apprenticeship? *A.*—May be entertained.

Q.—(*h.*) Employment of foreigners? *A.*—None required here in our line at present.

Q.—(*i.*) Introduction of labour-saving machinery? *A.*—Yes. It would be good for the industry.

Q.—(*j.*) Supply and quality of materials, machinery, or other plant? *A.*—Should as far as possible be procured of the best quality from whatever country it may be.

Q.—(*k.*) Dismissal of representative delegates, refusal of unionists to work with non-unionists, use of black list, mutual relations of employers and trade unions generally? *A.*—We have nothing of that sort here.

Q.—(*l.*) Other causes of disputes? *A.*—The chief cause of dispute is the wages and any other extra work which although may be in their own machine.

III.—Strikes and Lock-outs.

Q.—(1.) Can you state how many strikes and lock-outs there have been in connexion with your works in each of the ten years 1881-1890, and in the current year up to date? *A.*—From 1881 up to 1887 there was on an average one strike a year, but since then there are none.

Q.—(2.) Have such disputes been during that period more frequent than formerly, or less so? *A.*—More.

Q.—(3.) Can you enumerate the important disputes and furnish particulars in regard to each such dispute under the following heads? *A.*—All the disputes were generally on the wages question.

Q.—(*a.*) Date of commencement and termination? *A.*—Not noted.

Q.—(*b.*) The chief immediate cause of each such dispute? *A.*—Reduction of wages, or levy little extra work, or new rules and regulations.

Q.—(*c.*) Number of workers in your employment directly engaged in each dispute? *A.*—Ranging from 100 to 500 according to the department. The prime movers were only half a dozen, the others stayed away against their will through fear.

Q.—(*d.*) Number of persons in your employment who have been thrown out of work thereby, but who have not been directly engaged in the dispute? *A.*—None.

Q.—(*e.*) Attitude of associated employers towards the dispute? *A.*—Indifferent.

Q.—(*f.*) Mode of settlement? *A.*—Arranging with the leaders.

Q.—(*g.*) Advance or reduction on wages or other results of each dispute? *A.*—Mutual compromise.

Q.—(*h.*) Estimated loss of firm direct or indirect occasioned by dispute? *A.*—According to the nature and extent of the strike. Ranging from Rs. 100 to Rs. 5,000.

IV.—General Questions.

Q.—(1.) Does any system exist in your trade in your district providing for conciliation, arbitration, sliding scales or other means of preventing or arranging trade disputes? *A.*—None.

Q.—(2.) Has any system of co-operative production, industrial partnership, or profit-sharing been attempted by your firm, and if so, with what results? *A.*—None.

Q.—(3.) Are the Government or local authorities employers of labour in your trade and district, and if so, with what results as to remuneration and other conditions of employment? *A.*—No.

Q.—(4.) Can you supply information as to any agency in your district for finding or providing work for the unemployed? *A.*—No such agency.

Q.—(5.) Have you any suggestions to make as to the statistical and other information relating to your trade which is or in your opinion should be collected and published by Government? *A.*—No.

Q.—(6.) Can you suggest any means of avoiding or arranging strikes and promoting cordial relations between

capital and labour?—*A.* In the selection of experienced persons as managers. The jobbers sometimes have great influence with the men or boys working under them, and if these are dismissed, the men, sometimes out of sympathy, but more through fear, strike work and refuse to return until the jobber is restored. It is very difficult to bring the charge of intimidation against the offenders, and consequently the employers are helpless.

Q.—7. Have you any other statement or suggestion to make for the information of the Commission? *A.* That there should be no more factory legislation in India beyond what we have at present.

To P. C. H. SNOW, Esquire, Collecior of Sholapur.

No. 2 Tamrind Land, Fort,
Bombay, 28th July 1892.

SIR,

WE beg to return with our answers noted against the queries the memorandum received with your letter of the 9th ultimo, No. 3046 of 1892.

2. We may add that the queries have reference to the state of labour in Lancashire. They have no bearing on the mill or factory industry in the Bombay Presidency.

We have, &c.,
MORARJEE GOCULDAS & Co.,
Agents.

B.—QUESTIONS ADDRESSED TO EMPLOYERS.

I.—INTRODUCTORY.

Questions.	*Answers.*
1. Will you state the business or businesses in which your firm is engaged and where its works are situated?	Cotton-spinning and weaving at Sholapur, Bombay Presidency. The firm have also mills in Bombay, but the answers given below refer to the Sholapur mill only.
2. What number of workpeople are there engaged in your firm particularised as follows:—	
(*a.*) Male.	812
(*b.*) Female.	210
(*c.*) Apprentices or other learners or young persons.	23
(*d.*) Unskilled labourers.	71
	These are engaged in the mill only, and a few spare hands are kept for substitute in cases of sickness, &c.
3. Is your firm connected with any organization of employers dealing with labour questions?	No.

II.—WAGES, HOURS AND CONDITIONS OF LABOUR.

	What representations or information do you desire to offer for the consideration of the Commission under any of the following heads:—	None. There is no organisation of labour in Sholapur.
Wages.	(*a.*) Their amount and fluctuations?	From Rs. 5 rising to Rs. 70 per month.
	(*b.*) Mode of payment—	
	(1) By the hour, day, or week?	Monthly.
	(2) By the piece?	No.
	(3) By the task?	Yes, in some cases.
	(*c.*) Payments through sub-contractor?	None.
	(*d.*) Deductions by fines or other forms of stoppage?	By fines.
	(*e.*) Truck or payment in kind?	None.
	(*f.*) Allowances in form of—	
	(1) Bonus?	Yes.
	(2) Deferred pay, such as sick, accident, pension or other insurance system?	According to circumstances accidents have greater consideration on us.
	(3) Free house, land, food, clothing or other allowance or advantage?	Free house to the officials only.
	(*g.*) Length of notice for ending engagement?	One month.
Hours of labour.	(*a.*) Ordinary or standard hours of labour?	Men, from sunrise to sunset with a vacation of half an hour in the day; women, 11 hours in the day; and children above nine years, seven hours in the day.
	(*b.*) Overtime and its remuneration?	None.
	(*c.*) Night-shifts, and their remuneration?	None.
	(*d.*) Sunday work and its remuneration?	None.
	(*e.*) Weekly half holiday or other holiday with or without payment?	Without payment.
Conditions of labour.	(*a.*) Irregularity of employment through seasonal or other causes?	None.
	(*b.*) Safety of employment and the lighting, sanitation, and inspection of work places?	No lighting. Sanitation and inspection duly attended to.
	(*c.*) Compensation for accidents?	We give according to circumstances.
	(*d.*) Sub-division of labour as between different trades?	None.
	(*e.*) Distribution of labour as between factories, workshops and homes?	None.
	(*f.*) Distribution of labour as between men, women and children?	The men, women and children do the work assigned to them.
	(*g.*) Apprenticeship?	None.
	(*h.*) Employment of foreigners?	None.
	(*i.*) Introduction of labour-saving machinery?	None.
	(*j*) Supply and quality of materials, machinery or other plant?	This question is unintelligible here. All the machinery in the mill including engine and boilers have been obtained from England.
	(*k.*) Dismissal of representative delegates, refusal of unionists to work with non-unionists, use of black list, and mutual relations of employers and trade unions generally.	We have no such obstructions here.
	(*l.*) Other causes of dispute.	None.

STRIKES AND LOCK-OUTS.

Questions.	*Answers.*
1. Can you state how many strikes and lock-outs there have been in connexion with your works in each of the 10 years 1881–1890, and in the current year up to date?	There have been no strikes or lock-outs here.
2. Have such disputes been during that period more frequent than formerly, or less so?	No disputes.
3. Can you enumerate the important disputes and furnish particulars in regard to each such dispute under the following heads:—	None.
(*a.*) Date of commencement and termination.	Not applicable to us.
(*b.*) The chief immediate causes of each such dispute.	
(*c.*) Number of workers in your employment directly engaged in each dispute.	
(*d.*) Number of persons in your employment who have been thrown out of work thereby, but who have not been directly engaged in the dispute.	
(*e.*) Attitude of associated employers towards the dispute.	
(*f.*) Mode of settlement.	
(*g.*) Advance or reduction of wages or other result of each dispute.	
(*h.*) Estimated loss to firm, direct or indirect, occasioned by dispute.	

IV.—GENERAL QUESTIONS.

1. Does any system exist in your trade in your district providing for conciliation, arbitration, sliding scales or other means of preventing or arranging trade disputes?	No.
2. Has any system of co-operative production, industrial partnership or profit sharing been attempted by your firm, and if so, with what results?	No.
3. Are the Government or local authorities employers of labour in your trade and district, and if so, with what results as to remuneration and other conditions of employment?	No.
4. Can you supply information as to any agency in your district for finding or providing work for the unemployed?	No such agency here.
5. Have you any suggestions to make as to the statistical and other information relating to your trade which is, or in your opinion should be, connected and published by Government?	None.
6. Can you suggest any means of avoiding or arranging strikes and promoting cordial relations between capital and labour?	None.
7. Have you any other statement or suggestion to make for the information of the Commission?	None.

The Khándesh Spinning and Weaving Mills Company, Limited.

To H. F. SILCOCK, Esquire, C.S., Acting Collector of Khándesh, Dhulia.

SIR, Bombay, 11th July 1892.

OUR Jalgaon Agent forwards us for our disposal your letter No. 4572 of the 17th instant, enclosing us therewith copy of a set of questions on the condition of labour in the textile trades of India, to which the Royal Commission on Labour at Home will devote particular attention in consideration of several matters referred to them on the subject. In reference thereto, we have the honour to submit you herewith, for the guidance of the said Commission, such informations as we can possibly give in connexion with our trade in the textile fabrics in general, except informations on such of the questions as are not dealt with by us in our representation as being foreign to the said trade or upon which we are unable to give any possible elucidation.

2. It may be observed that this Company has been incorporated into a joint stock body under the Indian Companies Act, having a cotton manufacturing mill at at Jalgaon, Zilla Khándesh, with an average of daily working hands of 653 males and 156 females including 30 young persons or children under 14 years. We had never before nor have at any time now any connexion with any organisation of employers dealing with labour questions except that we are associated with a certain body known as the Bombay Millowners' Association. This body have never to our knowledge dealt with problems arising on labour questions.

3. On the subject of *wages*, *hours* and *conditions of labour* forming Section II. of the said set of questions, we have to state that the long-standing relation between the employers and the employed in the textile trades of India has been preserving so much equanimity in the distribution and condition of labour in the Presidency as to render it quite unnecessary on our part to advance any representation thereon for the consideration of the Commission aforesaid; and the cogent proof of this can be better judged from the fact that there are as little strikes or lock-outs, or say, in fact, none in the Indian mills as so frequent and numerous they are in the mills of the United Kingdom in general and those of Lancashire in particular, because the reason for this is not to seek any further than from the fact that the labourers here are quite contented with the present distribution of capital and labour, and the manner remunerating them for the works done by them for the capitalists who in their turn are always alive to meritoriously compensate the former for what they do to make capital remunerative, as the interest of the one is closely interwoven with that of the other. We venture, however, to make, for the information of the said Commission, a few observations on the present condition of labour in the mill in general, trusting the same will no doubt enable them to decide whether the balance of probabilities as to the existence of the favourable condition of labour outweighs more in favour of Indian rather than the Lancashire mills.

4. In all the mills of the Presidency, wages are regulated by the quantity of work a workman or a certain class of workmen turns out during the day and are

more susceptible of fluctuation the more or less he works, but there are certain class of workmen who are as monthly servants paid as such. In our mill such wages are, as a rule, paid to them monthly direct and not through any sub-contractor or contractor, subject, of course, to such deductions on account of fines or stoppages of the mill for more than the usual monthly holidays; allowances, however, being made in the shape of bonus or compensation when a labourer meets with an accident in the discharge of his works. The ordinary or standard hours of work are, on an average, 12 hours daily from sunrise to sunset with half an hour's interval for food and rest. No overtime, except what is allowed to a mechanic detained after the stoppage for an emergent mill work, is allowed. There are no irregularities of employment through seasonal or other causes in consequence of the textile mills working all the year round. The architectural plan of construction of the Indian mills is generally on the most approved sanitary principle, special provisions being made for proper lighting and sanitation and for prevention of bad gas or effluvia being inhaled by workmen. There have been, however, imported in the Indian Factories Act (Act XV. of 1881 as amended by Act XI. of 1891 of the Legislative Council of India) certain sections empowering the local government from time to time to frame rules, and which have been already framed and published, requiring the factory owners, as a legal necessity, if any defect there may be existing in this behalf, to make due provisions for proper ventilation, cleanliness and freedom of the factories from effluvia arising from their insanitary condition. Women, as a general rule, are never allowed to do a work men can do, special regard being had to their general physical condition. So far as our individual opinion is concerned, we are in favour of allowing apprentices to work in the mill, subject to such terms and conditions as may be agreed upon between them and their employers; but during our business experience of so many years we have never known of an instance wherein anyone ever made an offer to work as an apprentice in the mill in the real sense of the term. We are opposed to the employment of foreigners in the mill works, as the same in the long run will tend to overthrow a major portion of the Indian workmen from their works. We have no idea of the class of people referred to in clause (*k.*), Section II. of the said set of questions, and hence any representation thereon from us would be of no avail.

5. During the past 10 years, as from 1881 till 1890, there has been no strike or lock-out as can call any explanation from us on the several questions falling under the category of strikes.

6. In our trade there exists no such system as provides for conciliation, arbitration, sliding scales or such other means of preventing or arranging trade disputes, as no serious problems on labour questions have ever till now presented themselves for solution, nor has there ever been worked by us the system of co-operative production, industrial partnership, or profit-sharing scale in conjunction with our brothers in trade, so that any result either profitable or unprofitable can be brought home to the knowledge of the said Commission for guidance in their deliberations of several questions referred to. We do not know whether the Government or the local authority have ever acted as employers of labour in our trade or district, and with the limited knowledge at our disposal it is quite impossible for us to suggest any remedy or supply any information whereby the unemployed can find work. We think that there should be published every year from the Government in the "Government Gazette" of the Presidency, a statistic showing the cotton product of the country, cotton exported and imported as compared with the past five years, cotton consumed by the mills as well as the cotton product, its exportation and importation from and into these countries competing with India in cotton trade; as also a forecast after the sowing operations have progressed, giving the area of land cultivated, the future condition of the crop and the approximate quantity such a crop would be yielded by area of such land cultivated at the end of the season, with a comparative statement of like contingencies occurred in the past five years. Having not as yet encountered any difficulty as to quell strikes we have given no thought as to find out means to avoid or arrange strike disputes and thereby to promote cordial relations between the employers and the employed in the textile trade.

7. Your letter under reply does not set out the reason as to the appointment of the said Commission on Labour at home, and we regret, therefore, we are not in a position on that account to advance generally on the subject as a whole any information, or make any suggestion conducive to the attainment of the objects for which the appointment of a Commission on Labour is sought. Because the textile trades of India compete with those of Lancashire, it does not lie in the mouth of the Lancashire spinners to contend that the labour condition in the Indian mills is more exacting and oppressive in the hands of the generality of the Indian workpeople. Even admitting for argument's sake that the former do compete with the latter, which we do not admit, so far as the spinning of finer yarn is concerned, they lose sight of one of the most important problems of political economy that the loss in one branch of trade is a gain in another inasmuch as cotton spinning machinery for the Indian mills are almost all imported from home. As one of the officers of land revenue in the Presidency, you are well aware that the climatic conditions of India differ materially from those at home, and our submission, therefore, is that any analogy formed of the conditions of labour between those two countries would savour more of arriving at a result *ad absurdum*, which the Lancashire spinners intend to secure *lucre causa*, than the conclusion warranted by logical premises drawn from the existing circumstances of the Indian mills.

We have, &c.
(Signed) MULJI JAITHA & Co.,
Secretaries and Treasurers.

THE GOKAK WATERPOWER AND MANUFACTURING COMPANY, LIMITED.

To J. F. FLEET, Esq., C.I.E., Commissioner, S. D., Belgaum.

SIR, 23rd June 1892.

HEREWITH I beg to return your list of questions on this subject, answered as far as they appear to relate to our business.

I have, &c.
(Signed) J. M. KERR.

B.—QUESTIONS ADDRESSED TO EMPLOYERS.

I.—INTRODUCTORY.
II.—WAGES, HOURS, AND CONDITIONS OF LABOUR.
III.—STRIKES AND LOCK-OUTS.
IV.—GENERAL QUESTIONS.

I.—INTRODUCTORY.

1. Will you state the business or businesses in which your firm is engaged, and where its works are situated? —*A.* Cotton spinning in the Belgaum District, Gokák Falls.

2. What number of workpeople are there engaged in your firm, particularised as follows:—

(*a.*) Male? *A.*—350.
(*b.*) Female? *A.*—305.
(*c.*) Apprentices or other learners or young persons? *A.*—464.
(*d.*) Unskilled labourers? *A.*—On new mill construction and other improvements 470. Increasing daily.

3. Is your firm connected with any organisation of employers dealing with labour questions? *A.*—No.

II.—WAGES, HOURS, AND CONDITIONS OF LABOUR.

What representations or information do you desire to offer for the consideration of the Commission under any of the following heads:—

(*a.*) Their amount and fluctuations. Wages.
(*b.*) Mode of payment—
(1.) By the hour, day or week? *A.*—Partly by the day.
(2.) By the piece? *A.*—Partly by piece.
(3.) By the task? *A.*—None.
(*c.*) Payment through sub-contractor? *A.*—None.
(*d.*) Deductions by fines or other forms of stoppage.
(*e.*) Truck or payment in kind? *A.*—None.
(*f.*) Allowances in form of—
(1.) Bonus? *A.*—None.
(2.) Deferred pay, such as sick, accident, pension or other insurance system? *A.*—None.
(3.) Free house, land, food, clothing or other allowance or advantage? *A.*—Free houses.
(*g.*) Length of notice for ending engagement? *A.*—15 days.

Hours of labour.

(*a.*) Ordinary or standard hours of labour? *A.*—Sunrise to sunset, with interv hours of labour? *A.*—
(*b.*) Overtime and its remu als according to law.
(*c.*) Night-shifts and their neration? *A.*—None.
(*d.*) Sunday work and its remuneration? *A.*—None.
(*e.*) Weekly half-holiday remuneration? *A.*—None. without payment? or other holiday with or

Conditions of labour.

(*a.*) Irregularity of employment through seasonal or other causes? *A.*—None.
(*b.*) Safety of employment, and the lighting, sanitation and inspection of workplaces? *A.*—Carefully attended to.
(*c.*) Compensation for accidents? *A.*—The question has never arisen.
(*d.*) Subdivision of labour as between different trades? *A.*—None.
(*e.*) Distribution of labour as between factories, workshops and homes? *A.*—None.
(*f.*) Distribution of labour as between men, women and children.
(*g.*) Apprenticeship? *A.*—None.
(*h.*) Employment of foreigners? *A.*—None.
(*i.*) Introduction of labour-saving machinery.
(*j.*) Supply and quality of materials, machinery or other plant? *A.*—As required.
(*k.*) Dismissal of representative delegates, refusal of unionists to work with non-unionists, use of black list, and mutual relations of employers and trade unions generally? *A.*—None.
(*l.*) Other causes of dispute? *A.*—None.

III.—Strikes and Lock-outs.

1. Can you state how many strikes and lock-outs there have been in connexion with your works in each of the 10 years 1881–1890 and in the current year up to date? *A.*—None.
2. Have such disputes been, during that period, more frequent than formerly or less so? *A.*—None.
3. Can you enumerate the important disputes and furnish particulars in regard to each such dispute under the following heads:—
(*a.*) Date of commencement and termination? *A.*—None.
(*b.*) The chief immediate causes of each such dispute? *A.*—None.
(*c.*) Number of workers in your employment directly engaged in each dispute? *A.*—None.
(*d.*) Number of persons in your employment who have been thrown out of work thereby, but who have not been directly engaged in the dispute? *A.*—None.
(*e.*) Attitude of associated employers towards the dispute? *A.*—None.
(*f.*) Mode of settlement? *A.*—None.
(*g.*) Advance or reduction of wages or other result of each dispute? *A.*—None.
(*h.*) Estimated loss to firm, direct or indirect, occasioned by dispute? *A.*—None.

IV.—General Questions.

1. Does any system exist in your trade in your district providing for conciliation, arbitration, sliding scales, or other means of preventing or arranging trade disputes? *A.*—None.
2. Has any system of co-operative production, industrial partnership, or profit-sharing been attempted by your firm, and, if so, with what results? *A.*—None.
3. Are the Government, or local authorities, employers of labour in your trade and district, and, if so, with what results as to remuneration and other conditions of employment? *A.*—None.
4. Can you supply information as to any agency in your district for finding or providing work for the unemployed? *A.*—None.
5. Have you any suggestions to make as to the statistical and other information relating to your trade which is, or, in your opinion, should be, collected and published by Government? *A.*—None.
6. Can you suggest any means of avoiding or arranging strikes and promoting cordial relations between capital and labour? *A.*—None.
7. Have you any other statement or suggestion to make for the information of the Commission? *A.*—None.

To J. F. Fleet, Esq., C.I.E., Acting Commissioner, S. D. Belgaum.

Sir, Hubli, 11th July 1892.

We have the honour to enclose herewith our answers to the questions regarding Royal Commission on Labour.

We have, &c.,
For Ralli Brothers' Agency,
(Signed) P. F. Acatos,
Agent.

I.—Introductory.

1. We are engaged in the purchase of kappas, which we gin by steam machinery, cotton and food-grain and oil-seeds, and the sale of kerosine oil.
Our works are situated in Hubli; we have also sub-agencies in Gadag and Davangeri and temporary agencies in the districts during the busy seasons.
2. The number of workpeople that are engaged by us are:—
(*a.*) 69 males.
(*b.*) 65 females.
(*c.*) Apprentices, none.
(*d.*) Unskilled labourers, 100.
3. We are not connected with any organisation of employers dealing with labour questions.

II.—Wages, Hours, and Conditions of Labour.

Wages.

(*a.*) Skilled hands from Rs. 15 to Rs. 150 per month, unskilled labourers from Rs. 6 to Rs. 10, *i.e.* 3 to 5 annas a day.
(*b.*) 1. Skilled hands by the month, unskilled labourers by the day.
2. Manipulating cotton and carting by piece-work.
3. No work by the task.
(*c.*) We pay for piece-work to the contractors.
(*d.*) We very seldom make any.
(*e.*) We do not pay by the truck system or in kind.
(*f.*) Allowances we give are:—
(1.) Bonus in case of accidents.
(2.) Sick pay.
(3.) Free house in some cases.
(4.) Travelling allowance and railway fare when on business.
(*g.*) Length of notice for ending engagement is one month.

Hours of labour.

(*a.*) Working hours are from 6 a.m. to 6 p.m. with intervals of 1½ hour midday meal.
(*b.*) We allow overtime at ordinary remuneration.
(*c.*) We have separate gangs on ordinary remuneration rates.
(*d.*) We work half-day at times at ordinary remuneration rates on Sundays, but try to avoid working on Sundays.
(*e.*) Our monthly staff are given a fortnight yearly on full pay. Day labourers are not paid for holidays.

Conditions of labour.

(*a.*) All our staff excepting 27 are employed irregularly through seasonal causes.
(*b.*) All the dangerous parts of the machinery are railed off; the lighting is in accordance with the stipulations required by the Fire Insurance Companies; the working is periodically inspected by the Government Inspector and the sanitation is in accordance with the municipal rules.
(*c.*) We give compensation for accidents.
(*d.*) The labour is subdivided between different trades, such as engineers, fitters, blacksmiths, and carpenters.
(*e.*) There is no distribution of labour as between our factories and our employés' homes.
(*f.*) Men are employed for all heavy work, such as moving merchandise in bulk and work requiring muscular exertion; women for manipulating cotton and kappas, &c., loose, cleaning, picking, &c., and other light work.
(*g.*) No apprentices.
(*h.*) No foreigners employed.
(*i.*) Our machinery is all labour-saving.
(*j.*) We have got a boiler of 100 lbs. pressure to drive an engine of 30 nominal horse-power. The engine is connected with automatic expansion gear. The engine is of rope gear driving with 6 ropes 13 double roller gins of Platt (Macarthy) gins make. The working parts of our engine are railed right round. Our gins are placed side by side with upper shafting to drive them. The gins are fitted in such a way that unskilled workmen are prevented from going near the working parts of the machinery, and only the skilled ones have access thereto. The ginned cotton falls underneath the platform where no machiner is working. We get

our machinery from England and the petty spare articles and stores are for the most part bought locally in Bombay.

(*k.*) None of our employés have any connexion with trade unions.

(*l.*) We have no disputes.

III.—Strikes and Lock-outs.

There have been no strikes or lock-outs in connexion with our factory.

IV.—General Questions.

(1.) No such system exists.

(2.) No such system has been attempted.

(3.) The Government and local authorities are not employers of labour in our trade.

(4.) There is no agency in our district for finding or providing work for the unemployed.

(5.) We have no suggestion to make.

(6.) As stated before we have had no experience of strikes.

(7.) We have no other statement or suggestion to make.

For Ralli Brothers' Agency,
(Signed) P. F. Acatos,
Agent.

No. $\frac{F.J.}{4}$ of 1892.

From the Collector of Land Revenue, Customs, and Opium to The Chief Secretary to Government, General Department.

Bombay Collector's Office,
Sir, 26th July 1892.

In obedience to Government Resolution No. 982, of 25th March 1892, I have the honour to forward the answers obtained by the Chief Inspector of Factories to the questions circulated by the Labour Commission.

2. The attempt to secure replies representative of the different factory interests has only partly succeeded. The Chief Inspector's summary and review of the different answers seem to me judicious and correct.

3. The general remarks on wages in paragraphs 2, 3 and 4 of the answers furnished by Mr. Moos, the Inspector of Factories, seem to me written under some misconception of the conditions of the wage question in Bombay. Mr. Moos holds that during the last 20 years, while other wages have increased, factory wages have remained unchanged and that, therefore, the state of Bombay mill hands is not good but bad. As regards the sameness in the rates of Bombay factory wages during the last 30 years, it is to be remembered that the early mill hands enjoyed a monopoly of skill, and that, therefore, factory wages started on a monopoly level. Considering that for some years past nearly a lakh of of qualified workers have been available, it says much for the unchecked prosperity and the rapid spread of the Bombay mill industry, that the original monopoly rates have been maintained. If profits are not sufficient to tempt to the opening of new mills, it seems probable that, unless they can by some means combine to prevent it in the early future, the present rapid and unchecked increase in their numbers will force the workpeople to accept lower wages.

4. As regards Wage Unions, I understand the chief influence of the unnamed and unwritten bond of union, to which in his paragraph 1 the Senior Inspector of Boilers refers, to be by the threat of boycotting to prevent individual workmen in any branch of factory labour consenting to accept wages lower than what that form of labour has hitherto commanded. This secret influence, though little more than "in the air," is powerful. I believe it has had much to do with the prolonged maintenance of what seems to me a monopoly or almost a monopoly wage. That if the steady fall in profits from 15 pies the pound of cotton in 1872 to 4 pies the pound in 1892 continues, the present rate of wages can be maintained seems well nigh impossible. Hitherto the maintenance of the high level of wages has prevented any serious wage dispute. Even though short time reduces receipts, it leaves the workers' rate of wages unharmed. If the shrinkage of profit drives capital to cut down wages, the unformed common feeling among workers is not unlikely to take shape in some powerful and widespread union. Already union methods are in practice. Individual workers allow their wages to be cut for objects which their caste or community hold worthy of support. A meeting is called and subscriptions collected to repair a rest-house, dig a well or reshrine a god in some up-country village. The workers pay willingly. They understand the object; they trust the agency. They hold aloof from similar subscriptions for wage purposes. They have no experience of an influence that can unite stranger and unconnected workers. They wisely feel they have no ground to trust and no means to control the volunteer leaders who are certain to take their funds, and only perhaps to fight their battles. So long as wages maintain their present level the workers seem to me to show both shrewdness and sense in refusing to commit themselves to the burden of a general combination. At the same time any attempt at a wide-spread lowering of wages seems to me not unlikely to overcome this distrust. If leaders are forthcoming a widespread and resolute combination seems to me not improbable. Unless losses have beforehand closed several mills and abnormally increased the competition for work, the opposition to any general reduction of wages seems likely to be general and to prove hard to overcome.

5. I regret I cannot share Mr. Moos' opinion that during the last 30 years the Bombay mill-workers are worse off than they were, because their wages have been constant and the buying power of their wages has dwindled. Except in the matter of house-rent I see no reason to suppose that during the last 30 years in Bombay the buying power of wages has fallen. Food, water and clothes are all either cheaper or better than they were 30 years ago. At the beginning of these 30 years the much praised and widely used luxuries—ice, sodawater and tea—were unknown to mill-workers. Even in the matter of house-rents the supply has recently been in excess of the demand, and many rooms are empty or let at reduced rates. Apart from the purchasing power of the money, it is to be remembered that the present great army of mill-workers have not always been mill-workers on their present high wages. The force has been steadily recruited from labourers, small cultivators, hand-loom weavers, and petty craftsmen, all of whom may safely be said to have increased their earnings 30, 50, 100, 200 per cent. by taking to mill work. Except in the matter of house accommodation, which in many cases is exceedingly poor, the Bombay mill-workers seem to me well fed and clothed, cheerful, and healthy.

6. To establish his point that while Bombay factory wages have been constant other wages have increased, Mr. Moos (paragraph 3) gives two quotations. One is from Lord Brassey, who says that the outlay in making railways has in the districts traversed raised wages 100 per cent. Lord Brassey's remark was confined to the effect on local wages while the lines were under construction. In Western India it may, I think, safely be said that since the construction ceased railways have not appreciably raised wages above their former level. The quotation from Sir Bartle Frere is beside the present question. The doubling of wages refers to the 30 years ending in 1860, not to the 30 years ending in 1890. The monthly wages, Rs. 30 for skilled and Rs. 14 for unskilled labour, quoted in 1860, are as high as I believe they are considerably higher than the corresponding rates during the past year.[1] The point which Mr. Moos seems to me to miss is that though factory wages have not risen they have continued greatly in excess of the wages the worker recruits have been earning or can earn in any other employment. The rail-borne shoals of Lucknow, Cawnpur, and Delhi Inlaka or Musalman hand loom weavers have found occupation in Bombay mills at rates too probably in many cases three times their previous hand-loom earnings.

7. I do not know on what authority Mr. Moos (paragraph 6) states that agriculture is daily losing its hold on the rural population, and is becoming less and less pleasant and remunerative. The remark reads as if it had been originally applied to the existing conditions in England, not in India. It is true the Bombay mills are largely recruited from the cultivating classes. This change is not because field labour is harder or worse paid than it was. It is because Bombay mill wages are at once higher and more certain than the wages of field labour have ever been.

8. The facts that since 1872, without reduction in wages, Bombay mill-workers have increased from 10,000 to 80,000, and that during the same time mill profits have fallen from 15 to 4, or even, which is perhaps a more correct estimate, from 12 to 6, instead of supporting it, seems a conclusive answer to Mr. Moos' complaint (paragraph 7), that during the last 30 years the

	1892 Rates.
[1] Unskilled - - -	11·
Mason - - -	27·8

bargain between capital and labour has all along been in favour of the employer.

9. Mr. Moos (paragraph 7) holds it impossible to conceive that wages at a rate double of what is required for support are consistent with a thriving condition. I cannot agree that a hundred per cent. surplus is inconsistent with prosperity, especially when the wages of the men are largely supplemented by the earnings of women and children. The bulk of the Bombay mill-workers are industrious, sober and frugal. It is beyond question that every year very large sums leave Bombay, sent by mill-workers to their families to support the sick and aged, to meet marriage, death and other charges, to free the family land from mortgage and to widen its borders, even to rebuild and furnish temples, rest-houses and wells.

10. In his paragraph 9 Mr. Moos refers to a practice which, if at all common, seems to me a serious evil and injustice. I refer to the alleged failure of mills to pay wages within two months after they are due. Many difficulties stand in the way of prompt payments. The calculations necessitated by the practice of piece-work require a week to ten days to complete. Still any delay in excess of the Association limit of six weeks seems to me an injustice that should not continue. Even a six weeks' limit seems to me excessive and should be brought down to a month. I believe that in the Calcutta and North-Western Province mills, weekly payments are the practice and that in Gujarát, some Ahmedabad mills pay once a week and that in none of the other Ahmedabad, Kaira, Broach or Surat factories is the limit of one month ever exceeded. Mr. Lokhande, the chairman of the mill-hands' association, has complained to me that in Bombay delays of over two months are almost universal. Mr. Moos limits his charge to five or six mills and to them only occasionally. Such inquiries as I have been able to make seem to show that with few exceptions the association limit of six weeks is the rule. Considering the hardship and the great temptation to Indian workers to run into debt when their wages are in arrears, this question of prompt payments seems to me the most important practical point the present inquiry has raised. It further seems to me a point in which workmen may fairly claim the assistance of Government. The question is one of much practical difficulty. Certain of the best managed Bombay mills started a system of prompt payments, but were unable to continue it. The subject seems to me well suited for special inquiry.

11. I accept the chief inspector's explanation of the charge made in Mr. Moos' paragraph 15, regarding dismissal without warning. It appears that the practice of summary dismissal is limited to dismissal on account of misbehaviour.

12. In his paragraph 17 Mr. Moos complains that the Indian mill-hand takes 12 hours to do what might be done in six. If Mr. Moos means what an European might do in six he may be correct. If Mr. Moos means the Indian mill-hand takes twelve hours to do what if he chose, he could do in six, I cannot accept the charge as well-founded.

13. In his paragraph 20 Mr. Moos complains that up-country the Act works hardship by lowering the hours of women's work at gins and presses whose five or six months' season furnishes the workers whole year support. With this question I have no official concern. Still I cannot think that as a rule, workers at gins and presses are idle during the seven off months. In any case there is no reason why they should idle. I think in gins and other seasonal factories some curtailment of the hours of women's work was necessary, that suitable restrictions need cause no serious hardship, and that existing restrictions should be maintained.

14. Mr. Moos' paragraph 23 seems to me to give a wrong impression of the amount of work thrown on the women of mill-working families. In by no means every house, probably not in one-fourth of the houses, does the whole burden of the cooking and house-work fall on women who also work full factory time. Very many mill-workers' houses have some old woman, half grown girl, or handy lad to bear or share the burden of the house-work. And among Mahomedan mill-workers, not only have many of the men more than one wife, but a great share, perhaps the bulk, of the food is bought cooked. Even in the exceptional case of a young woman working in a mill all day and having the house cooking and tidying when the mill-work is over, few fail to finish their house-work by half past eight; except in times of sickness or of merrymaking none need be awake after nine. The seven or eight hours of rest that follow are supplemented by an hour or an hour and a half in the middle of the day. A chance weakling or sloven may be seen; but the mass of the women-workers go and come from the mills laughing and cheery, well fed, well dressed and tidy. The rule enforcing a midday rest is not liked by the women. They would prefer to come an hour later or leave an hour earlier; but for this the rules do not provide. On the whole, in spite of Mr. Moos' paragraphs 28 and 29, I incline to the opinion that the relations between masters and men are on the whole cordial and unstrained. I think relations are likely to continue satisfactory so long as the present rates of wages are maintained. I further think the common feeling among workers is strong enough to prevent any general lowering of rates.

15. I have criticised Mr. Moos' remarks somewhat freely, because they seem to me haphazard and misleading. At the same time I think it commendable that Mr. Moos should feel that his duties as factory inspector to some extent constitute him the mill-workers' guardian. Had it not been for Mr. Moos, the failure of Mr. Lokhande to aid us would have left the workers' case almost unrepresented.

16. I would draw attention to Mr. Tata's useful introduction of apprenticeships and to his benevolent system of prizes and of old age and accident pensions and gratuities. To attempt such improvements is the privilege of a wealthy and independent millowner. Should the improvements turn out a financial and practical success the leading companies may in time afford to adopt them.

17. In the whole matter of Bombay Factory labour three blemishes strike me—

(*a.*) The delay of wage payments.
(*b.*) The evil housing of workers.
(*c.*) The floating residuum of mill-hands.

For the floating residuum of mill-hands, which the senior inspector of boilers puts at the startling total of 25,000, no remedy seems apparent. Many, perhaps two-thirds of this great total, are respectable, brained workmen for a time thrown out of regular employment by ill-health or family business. Others are incompletely trained and in time will secure fixed employment. There remain perhaps 5,000 to 6,000 wasters, as they are called in Lancashire, wanderers from factory to factory, overfond of pleasure, too much given to drink. That with the chance of steady, highly paid work, so large a share of workers should turn out failures is both sad and surprising. For this the employers can in no way be blamed, nor can the second blemish of evil housing be ranked among the sins of capital. The workers crowd to save rent: they soil their surroundings to save trouble. Still the result is evil, a grimy squalor unknown in Bombay's fore-factory days. Mr. Tata has done much to better the lot of his workers. Perhaps some other independent millowner may lead the way to lessen the contrast between model lodgings and the dismal chal or barrack, a room which is all the bulk of Bombay mill-hands have as their home.

18. Of the three blemishes the undue delay in paying wages seems to me the one point on which Government may fairly call for help from the public spirit of the better class of millowners. It is, I believe, the case that not only is a delay of over two months the exception, but that in the few cases of such excessive delay the workers claim and obtain extra rates of wage. Even though a two months delay is the exception, even though so great delay implies a special wage concession, I venture to think such excessive delays should cease. Further, I venture to think that in spite of difficulties and inconvenience to the employers, a month's delay should become the extreme concession; and that the principle should be accepted and gradually introduced, that delays in excess of a fortnight are an unjust burden from which the Bombay mill-workers should by degrees be set free.

I have, &c.,
(Signed) J. M. CAMPBELL,
Collector of Land Revenue,
Customs and Opium.

The Millowners' Association.

The CHIEF INSPECTOR OF FACTORIES, Bombay.

SIR, Bombay, 14th July 1892.

I AM directed by the committee of the Bombay Millowners' Association to acknowledge the receipt of your letter No. 67 of 4th April 1892, with accompaniments, relating to certain information required by the Royal Commission on Labour, concerning the condition

of the textile trades in Bombay, which you solicit the assistance of the association in compiling.

2. In reply, I am directed to inform you that my committee are not aware of any other employer's association in Bombay in connexion with textile manufactures, nor do they believe any trade unions exist to which you could apply for information of the character required.

3. Under the circumstances, the only group of questions to which the association is in a position to reply is—

C.—Questions addressed to Employers' Associations.

To these I am directed to reply as far as practicable, as follows :—

I.—Introductory.

(1.) This association represents cotton spinning and weaving.

(2.) The association has members in various parts of India, but with the exception of factory legislation, concerns itself more immediately with matters appertaining to the industry in the Bombay Presidency.

(3.) The number of mills connected with the association is 67.

(4.) The average number of workpeople employed by these mills is estimated at 67,647

(5.) The membership of the association is open to all persons owning mills, or in any way interested in spinning and weaving concerns, within the limits of this Presidency or any other part of India, as well as any other users of steam or water power. The general objects are to encourage friendly feeling and unanimity among millowners and users of steam and water power, on all subjects involving their common good, to promote and protect in any way which may seem best the interests of millowners and users of steam and waterpower, specially of those who may be members of this association, to collect and classify information on all matters of general interest, to obtain the removal, as far as this society can by all legitimate means, of all acknowledged grievances affecting millowners and users of steam and water power as a body, to receive and decide references on matters in dispute, which may be laid before the association for arbitration, and to communicate with the public authorities, and with any individual or corporation, when it may be needful to do so, on all subjects of general interest to members of the association.

(6.) The association has never yet dealt directly or indirectly with matters of difference between employers and their workpeople, but there is nothing in the objects of the association to prohibit it so doing, should occasion arise.

(7.) There is nothing in the constitution of the association which would permit of its imposing on its members compulsory rules for fixing rates of wages, regulating hours of labour, or generally prescribing conditions of service. The utmost the association has attempted in this direction has been the compilation of a set of general rules for service (copy of which is annexed), which the committee have recommended for general adoption, but their adoption even by members of the association is quite optional.

II.—Wages, Hours, and Conditions of Labour.

Under this head the association has no information at its disposal as a body.

(1.) Wages. Rates of wages are very various, depending on the situation of the mill, the class of material operated upon, and the general regulations under which the mills are worked. Information on this point would be better obtained by a reference to some of the members of the association direct, selecting special mills in different parts of the island. The association has no record of the scales of wages paid.

Hours of labour. These are practically the hours permitted by the Factory Act, and the mode of observing this law recommended by the rules suggested by the association is that observed by the majority of the mills in the island.

Conditions of labour. (*a.*) As a rule, employment in the textile trades is quite regular and subject to no seasonable fluctuation.

(*b.*) Is thoroughly provided for under the regulations of the Factory Act.

(*c.*) No rules exist for compensation for accidents. This entirely depends upon employers' generosity.

(*d.*) The association has no information on this point.

(*e.*) Labour is entirely confined to factories.

(*f.*) The association cannot give any special information.

(*g.*) No system of apprenticeship prevails.

(*h.*) Employment, with the exception of European supervisors, is entirely confined to natives of India.

(*i.*) The association is unable to say anything respecting the introduction of labour-saving machinery beyond that the whole system of textile manufacturing is the application of labour-saving machinery from beginning to end.

(*j.*) Machinery, as a rule, is of the highest class and of the most modern make. The supply of materials is abundant.

(*k.*) As no trade unions exists, there is nothing to be said under this head nor under *l.*

III.—Strikes and Lock-Outs.

So far as this association is aware there have been no strikes or lock-outs, or what would be known as such in Europe.

IV.—General Questions.

(1.) This association does not intervene in trade disputes, nor, so far, have there been any trade disputes to deal with.

(2.) So far as the association is aware, there is no system of co-operative production, industrial partnership, or profit-sharing in connexion with textile labour in Bombay.

(3.) The only Government labour employed in connexion with the trade is a small amount of weaving carried on in the local jails, but this is too insignificant to have any effect on the trade generally.

(4.) With the exceptions of the rules which have been suggested, as previously mentioned, there have been no resolutions passed recommending alterations in the laws affecting labour.

(5.) This Association collects all its own statistical and other information, as anything of this kind supplied by Government is, as a rule, out of date before it is made public.

(6 and 7.) The Association has no suggestions to make respecting these classes.

I have, &c.
(Signed) John Marshall,
Secretary.

Bombay Millowners' Association.

General Rules agreed to by the Millowners with Regard to Attendance, Wages, and Discipline of Operatives at all Mills.

Every person employed in the factory shall be bound to acquaint himself with the following rules, and shall be considered to have accepted employment in the factory subject to, and to have agreed to be bound by, the following rules.

I.—Attendance.

1. Every person employed in the factory shall punctually attend to and commence and cease his respective work at the respective hours which may from time to time be fixed for those purposes by the Bombay Millowners' Association.

2. The opening and closing of the factory will be signalled by means of a whistle, bell, or gong. Persons employed in the factory shall enter by such gate or gates only as may be directed or notified by the manager.

3. No person shall, under any circumstances, absent himself from the factory during working hours without leave of the manager, and (subject to Rule 9) any person who shall absent himself for four consecutive days without such leave, shall be considered to have left his employment without notice and shall forfeit all wages due to him.

II.—Wages.

4. No person will be employed by the month but, unless employed on piece-work, shall be employed on fixed daily wages. All persons, whether employed on daily wages or on piece-work, will be paid their respective wages once in every month. Those who receive fixed daily wages shall be entitled to receive payment only for the number of days they may have worked in such month. Out of the wages payable to every person employed at the factory, eighteen days' wages may be deducted and kept in arrear as security or guarantee for the proper and faithful discharge of his duties, and for his obedience to all lawful orders, rules, and regulations from time to time in force in that behalf, and the amount of any fine or

forfeiture which any such person shall have incurred by reason of any breach or infringement of such orders, rules, or regulations may be deducted out of the wages payable to him.

5. Any dispute or complaint regarding wages shall be brought to the notice of the manager immediately after the receipt by or tender to the complainant of the wages appearing to be payable to him, and it shall be the duty of the manager, or the person appointed in that behalf, to attend to such complaint and adjudicate thereon forthwith.

6. Persons desirous of leaving their employment shall give one month's previous notice to the manager of their intention to leave; such notice must be given on the 1st or 15th of the month, subject to Rule 9; every person who shall leave his employment without having given such notice shall forfeit all arrears of wages then due to him.

7. The manager, on behalf of the company, shall also give one month's previous notice, either on the 1st or the 15th of the month, to any person whose services he may think fit to dispense with, or in default of such notice shall pay to such person one month's wages in lieu of notice. Provided always, that in case any person shall misconduct himself, or disobey orders, or in any manner act negligently, incompetently, disorderly, intemperately, or fraudulently, the manager may dismiss him summarily, and the person so dismissed shall thereupon forfeit all wages due to him.

8. Wages to substitutes shall under no circumstances be payable day by day, but shall be payable only on one of the regular pay-days.

9. Except in cases where the factory requires to be stopped for more than 30 consecutive days the stoppage of the factory, from whatever cause, shall not entitle any person employed to be absent without leave. If the factory requires to be stopped for more than 30 consecutive days, the manager, on behalf of the company, shall forthwith give notice to that effect, in which case it shall not be necessary for persons absenting themselves to obtain the leave required by Rule 3, and, moreover, they shall be entitled to leave the company's service without notice, and to receive their wages up to the time of the stoppage of the factory.

10. In any suit or action for wages brought against the company by any person, the company shall be entitled to set off against the claim in such action or suit the amount of any fines or forfeitures which the plaintiff in such action or suit may have incurred under these rules.

III.—Fines, Forfeitures, and Dismissals.

11. Persons committing theft or robbery in regard to any article or property belonging to the company, or aiding or abetting in any such act, and all persons committing any fraud on the company shall forfeit all wages which may have accrued due to them, or as an alternative shall submit to such fine as the manager shall think proper, and shall also be liable to be prosecuted.

12. Persons soliciting, enticing, intimidating, or conspiring with other persons employed in the factory to leave the service of the company, may be summarily dismissed, and shall be liable to forfeit all wages then accrued due to them, and also to be prosecuted.

13. Persons striking work, or intimidating or conspiring with other persons employed in the factory to strike work, may be summarily dismissed, and shall be liable to forfeit all wages then accrued due to them, and also to be prosecuted.

14. Persons found taking bribes from, or giving bribes to, other persons employed in the factory, or from or to any other individual having dealings with the company, as a motive or reward for doing, or omitting to do, any act the performance or omission whereof would be prejudical to the interests of the company, will be liable to summary dismissal, and to the forfeiture of all wages.

15. Smoking is strictly prohibited, except at the places set apart for that purpose, and every person found smoking within any part of the mill premises, except at the places set apart for that purpose, shall be liable to fine or dismissal, or both, at the discretion of the manager; separate places in the mill compound will be provided for those in the habit of smoking.

General.

16. The mill manager shall see that all the compulsory provisions of the Factories Act, 1881 (as amended by Act XI. of 1891), and all rules from time to time passed by the Governor-General in Council, or by the Local Government in regard thereto, are strictly and faithfully carried out so far as the company and its mill operatives are concerned; and that the superior officers and heads of departments in the factory are made thoroughly acquainted with what is required of them. Under the said Act and rules the jobbers should in their turn also be directed to carry out, and, so far as may be, to enforce obedience to such parts of the said Act and rules as relate to matters coming under their immediate notice or supervision.

For Women.

Regulations under the Indian Factories Act, No. XV. of 1881, as modified in 1891, and which comes into force on the 1st day of January 1892.

In accordance with section 10, sub-section (1), and section 6, sub-sections (1), (2), and (3) of the said Act, I hereby give the following notice, showing the times during which attendance of women employed at this mill is required, and the interval of rest sanctioned:—

1. Every woman shall attend the mill not earlier than 6 a.m., and leave the mill not later than 6.30 p.m.

2. Every woman will have an afternoon recess of one hour and a half from 12 noon to 1.30 p.m.

For Children.

Regulations under the Indian Factories Act, No. XV. of 1881, as modified in 1891, and which comes into force on the 1st day of January 1892.

In accordance with section 10, sub-section (1), and section 7, sub-sections (1), (2), (3), and (4) of the said Act, I hereby give the following notice showing the times during which attendance of children (who are above 9 years and under 14 years, and who shall hold a certificate to that effect from the certifying factory surgeon) employed at this mill is required, and the interval of rest sanctioned.

To meet the exigencies of work carried on in the mill the children employed at the mill will be divided into two shifts, and each shift will work as follows:

No. 1 shift will attend the mill not earlier than 5.15 a.m., and will work till 8.30 a.m. (they will then attend the school attached to the mill till noon, and have recess till 12.30 p.m.), and will again work from 12.30 to 3.45 p.m., when they will go home.

No. 2 shift will attend the mill not eariler than 8.30 a.m., and will work till 12 noon (they will then have recess till 12.30, when they will attend the school attached to the mill till 3.45 p.m.), and will again work from 3.45 to 6.45 p.m.

Thus each set of children will actually work not more than 6½ hours.

The two sets will exchange their hours of attendance on the 1st day of each month.

Holidays.

The following holidays are sanctioned during the year 1892 at the above mills under section 5 B(1) and under provision of sub-section 2(b) of the Indian Factories Act of 1881, as modified in 1891, and which come into force on the 1st day of January 1892:—

January	3rd	Sunday.	
	13th	Wednesday.	(Makar Sankráant.)
	17th	Sunday.	
	24th	Sunday.	
	31st	Sunday.	
February	7th	Sunday.	
	14th	Sunday.	
	21st	Sunday.	
	26th	Friday.	(Mahá Shivarátri.)
March	6th	Sunday.	
	13th	Sunday.	(Holi Holidays.)
	14th	Monday.	
	21st	Monday.	(Jamshedi Naoros.)
	27th	Sunday.	
April	5th	Tuesday.	(Rám Navmi.)
	10th	Sunday.	
	17th	Sunday.	
	24th	Sunday.	
May	1st	Sunday.	
	8th	Sunday.	
	15th	Sunday.	
	22nd	Sunday.	(Adurgán Jasan.)
	29th	Sunday.	

June	5th	Sunday.	
	12th	Sunday.	
	19th	Sunday.	
	26th	Sunday.	
July	5th	Tuesday.	(Ashádi Ekádashi.)
	10th	Sunday.	
	17th	Sunday.	
	24th	Sunday.	
	29th	Friday.	(Nág Panchami.)
August	4th	Thursday.	(Tábut.)
	8th	Monday.	(Nárli Purnimá.)
	16th	Tuesday.	(Gocul Ashtami.)
	26th	Friday.	(Ganesh Chaturthi.)
	31st	Wednesday.	(Gowri Visarjun.)
September	4th	Sunday.	3 o'clock.
	11th	Sunday.	
	16th	Friday.	(Parsi New Year Day.)
	22nd	Thursday.	(Válavá.)
October	1st	Saturday.	(Dasará.)
	9th	Sunday.	
	16th	Sunday.	
	20th	Thursday.	(Diváli Holidays.)
	21st	Friday.	(Diváli Holidays.)
	30th	Sunday.	
November	6th	Sunday.	
	13th	Sunday.	
	20th	Sunday.	
	27th	Sunday.	
December	4th	Sunday.	
	11th	Sunday.	
	18th	Sunday.	
	25th	Sunday.	

The mill shall stop every day under Section 5-A(1) from 12 to 12.30.

The day previous to every alternate stopping day the mill will stop at 3.30 p.m. between 1st October and 31st March, and at 4 p.m. from 1st April to 30th September, when hands are expected to clean the machinery.

N.B.—Any alterations in the above holidays will be notified by circulars issued one day previous.

A.

Answers.

1. The institution known to Western nations as a trade union, with its printed rules and regulations, its subscriptions and regular accounts, is represented here by an unnamed and unwritten bond of union among the workers peculiar to the people.

2. The above statement applies to the Island of Bombay.

3. Very nearly a lákh of workers are engaged in the textile trades in Bombay, of which number about 20,000 are women.

Of the total number of a lákh, about twenty-five thousand have only irregular employment, taking the place of absentees and so forth.

4. Wages are paid in accordance with out-turn of work, the best worker thus earning far more than the worst one.

(*a.*) Each mill has a special sliding-scale of prices for each description and class of goods; the prices are lowest for the coarsest and heaviest yarns and cloths.

(*b.*) The scale is so arranged that the monthly wages shown on the annexed list represents fairly the earnings of the operatives on an average.

(*c.*) All wages are paid direct to the worker, with the exception of the money earned in baling and bundling. In this department a contractor is employed between the workers and the mill company. The contractor receives from the company a fixed rate per bale, and makes his own arrangements with the bundlers and balers.

(*d.*) Fines are common, but very light, and rarely injudiciously inflicted. Stoppages as understood in Europe are almost unknown, but the workers among themselves voluntarily take on themselves stoppages amounting to a considerable sum monthly from their wages (of which no account is ever asked or given) under innumerable guises, towards their ideas of mutual aid.

(*e.*) Payment in kind, or truck in any form, is unknown here.

(*f.*) Sick pay, pension, accident and allowance, free house, land, food, clothing, or other allowance or advantage are as a rule not allowed to workers, but the heads of departments have generally all of the above; no insurance system exists.

The Bombay Millowners' Association rules, annexed hereto, is a fair representation of the terms under which the work is done.

(*g.*) A month's notice is required on either side.

5. The ordinary hours of labour extend from daylight to dusk, making 13¾ hours in summer and 11¾ hours in winter.

Hours of labour.

(*a.*) There are no standard hours of labour; each mill works as many hours as daylight allows them to; the number of hours varies with variations in lighting and processes in different mills; the new mills, long, high, and narrow, with nearly half of their walls filled with windows, make much better time than the old dark mills do.

(*b.*) Overtime is not made.

(*c.*) Night shifts not made.

(*d.*) Sunday is a holiday as a rule, but if a native holiday be within three days of Sunday, then Sunday counts as an ordinary working day.

(*e.*) There is no weekly half-holiday.

Conditions of labour.

6. (*a.*) The employment is regular.

(*b.*) The only dangerous work is mounting belts on running pulleys, and that work is as much safeguarded as work of the same nature is in Europe. The sanitary condition in some of the old mills is bad, but such is not the case in the newer mills. All factories driven by power are regularly inspected by a Government inspector.

(*c.*) The payment of any compensation in cases of accident is optional with the owners; as a rule nothing is done, though there are odd mills which relieve the injured.

(*d.*) The system is the ordinary cotton spinning and weaving, being sub-division of labour itself.

(*e.*) The whole of the work is done in the mill.

(*f.*) Men do everything except reeling, winding, piecing, and doffing. Women do reeling and winding; boys and girls do piecing and doffing.

(*g.*) There is no system of apprenticeship among the workers themselves, but among the mechanics there is.

(*h.*) There is no restriction against employment of foreigners; in fact 95 per cent. of the workers are not natives of Bombay.

(*i.*) The whole machinery answers this description.

(*j.*) There is no scarcity of either materials or plant.

(*k.*) All workers here are unionists, so the difficulty here referred to does not exist; the mutual relations of the employers and the employed is most cordial.

(*l.*) None that I am aware of.

Strikes and lock-outs.

7. 1. Strikes, as understood among Western nations, not one; but strikes closing single mills, or departments of mills, many.

2. Such disputes are rarer than formerly.

3. The disputes were generally regarding the rate paid for a particular grade of production.

(*a.*) Such strikes generally lasted from one to three days.

(*b.*) No such information is available.

(*c.*) Generally about 500 people.

(*d.*) Probably 100 more.

(*e.*) Generally reasonable.

(*f.*) Compromise by arbitration.

(*g.*) In nearly every case advance.

(*h.*) On an average 1,000 rupees.

General questions.

10. 1. Yes, our sliding-scales are all fixed by mutual arrangement.

11. 2. No such system has come to my knowledge.

12. 3. Practically no; there is spinning, weaving, &c.

13. 4. The casual hands passing from mill to mill are utilised to convey information concerning pending vacancies.

14. 5. No.

15. 6. No agency exists other than the mutual aid union herein referred to.

16. 7. No resolutions.

17. 8. No.

18. 9. By non-interference.

19. 10. No.

TOM DREWET,
Senior Inspector of Steam Boilers.

Post.	Approximate Amount per Month.
	Rs.
Manager	450 to 600
Carding master	150 to 200
Spinning master	150 to 200
Weaving master	100 to 200
Engineer, 1st Class	100 to 400
Engineer, 2nd Class	45
Fireman, each	16
Mixing room	15
Scutching Room.	
Jobber	15 to 25
Lap carrier	9
Double scutcher attendant	9
Single do.	9
Opener do.	9
Oilman do.	9
Sweeper	8
Carding Room.	
Jobber	50
Assistant jobbers	30
Grinders	14
Strippers	12
Lap carriers	10
Fly gatherers	9
Card attendants	7
Frames.	
Jobber	45 to 55
Assistant jobbers	25
Drawing frames	10
Slubbing do.	11
Intermediate frames	12
Roving do.	13
Doffers	6
Ring Frames.	
Jobber	60
Assistant jobbers	30
Doffer jobbers	20
Piecers	12

Post.	Approximate Amount per Month.
	Rs.
Doffers	9
Oilers	9
Creelers	8
Bobbin carriers	7
Self-acting Mules.	
Jobber	80
Assistant jobbers	30
Spinners	20
Creelers	7
Piecers	7
Bobbin carriers	10
Cop do.	8
Oiler	9
Belt piecer	12
Reeling Machines.	
Cop reelers	8
Bobbin reelers	7
Winding Frames.	
Winders	8
Warping Machine.	
Warpers	14
Sizing Machine.	
Front attendant	20
Back do.	14
Help	12
Weaving Department.	
Jobbers	50 to 75
Assistant jobbers	30
Weavers	16
Helps	9
Beam carriers	12
Cloth do.	10

Bombay Millowners' Association.

General Rules agreed to by the Millowners with regard to Attendance, Wages and Discipline of Operatives at all Mills.

Every person employed in the factory shall be bound to acquaint himself with the following rules and shall be considered to have accepted employment in the factory subject to and to have agreed to be bound by the following rules.

I.—Attendance.

1. Every person employed in the factory shall punctually attend to and commence and cease his respective work at the respective hours which may from time to time be fixed for those purposes by the Bombay Millowners' Association.

2. The opening and closing of the factory will be signalled by means of a whistle, bell or gong. Persons employed in the factory shall enter by such gate or gates only as may be directed or notified by the manager.

3. No person shall under any circumstances absent himself from the factory during working hours without leave of the manager, and (subject to Rule 9) any person who shall absent himself for four consecutive days without such leave shall be considered to have left his employment without notice and shall forfeit all wages due to him.

II.—Wages.

4. No person will be employed by the month but, unless employed on piece-work, shall be employed on fixed daily wages. All persons whether employed on daily wages or on piece-work will be paid their respective wages once in every month. Those who receive fixed daily wages shall be entitled to receive payment only for the number of days they may have worked in such month. Out of the wages payable to every person employed at the factory, eighteen days' wages may be deducted and kept in arrear as security or guarantee for the proper and faithful discharge of his duties and for his obedience to all lawful orders, rules and regulations from time to time in force in that behalf, and the amount of any fine or forfeiture which any such person shall have incurred by reason of any breach or infringement of such orders, rules or regulations, may be deducted out of the wages payable to him.

5. Any dispute or complaint regarding wages shall be brought to the notice of the manager immediately after the receipt by or tender to the complainant of the wages appearing to be payable to him, and it shall be the duty of the manager or the person appointed in that behalf to attend to such complaint and adjudicate thereon forthwith.

6. Persons desirous of leaving their employment shall give one month's previous notice to the manager of their intention to leave; such notice must be given on the 1st or 15th of the month subject to Rule 9; every person who shall leave his employment without having given such notice shall forfeit all arrears of wages then due to him.

7. The manager, on behalf of the company, shall also give one month's previous notice, either on the 1st or the 15th of the month, to any person whose services he may think fit to dispense with, or in default of such notice shall pay to such person one month's wages in lieu of notice. Provided always that in case any person shall misconduct himself or disobey orders or in any manner act negligently, incompetently, disorderly, intemperately, or fraudulently, the manager may dismiss him summarily and the person so dismissed shall thereupon forfeit all wages to him.

8. Wages to substitutes shall under no circumstances be payable day by day, but shall be payable only on one of the regular pay days.

9. Except in cases where the factory requires to be stopped for more than 30 consecutive days the stoppage of the factory, from whatever cause, shall not entitle any person employed to be stopped for more than 30 consecutive days, the manager, on behalf of the company, shall forthwith give notice to that effect, in which case it shall not be necessary for persons absenting themselves to obtain the leave required by Rule 3 and moreover they shall be entitled to leave the company's service without notice and to receive their wages unto the time of the stoppage of the factory.

10. In any suit or action for wages brought against the company by any person, the company shall be entitled to set off against the claim in such action or suit the amount of any fines or forfeitures which the plaintiff in such action or suit may have incurred under these rules.

III.—Fines, Forfeitures, and Dismissals.

11. Persons committing theft or robbery in regard to any article or property belonging to the company, or aiding or abetting in any such act and all persons committing any fraud on the company shall forfeit all wages which may have accrued due to them or as an alternative shall submit to such fine as the manager shall think proper and shall also be liable to be prosecuted.

12. Persons soliciting, enticing, intimidating or conspiring with other persons employed in the factory to leave the service of the company, may be summarily dismissed and shall be liable to forfeit all wages then accrued due to them and also to be prosecuted.

13. Persons striking work or intimidating or conspiring with other persons employed in the factory to strike work, may be summarily dismissed and shall be liable to forfeit all wages then accrued due to them and also to be prosecuted.

14. Persons found taking bribes from or giving bribes to other persons employed in the factory or from or to any other individual having dealings with the company, as a motive or reward for doing or omitting to do any act the performance or omission whereof would be prejudicial to the interests of the company, will be liable to summary dismissal and to the forfeiture of all wages.

15. Smoking is strictly prohibited, except at the places set apart for that purpose, and every person found smoking within any part of the mill premises, except at the places set apart for that purpose, shall be liable to fine or dismissal or both at the discretion of the manager; separate places in the mill compound will be provided for those in the habit of smoking.

General.

16. The mill manager shall see that all the compulsory provisions of the Factories Act, 1881 (as amended by Act XI. of 1891) and all rules from time to time passed by the Governor-General in Council or by the Local Government in regard thereto, are strictly and faithfully carried out so far as the company and its mill operatives are concerned; and that the superior officers and heads of departments in the factory are made thoroughly acquainted with what is required of them. Under the said Act and rules the jobbers should in their turn also be directed to carry out and so far as may be to enforce obedience to such parts of the said Act and rules as relate to matters coming under their immediate notice or supervision.

Note by Mr. N. A. Moos.

1. The average rates of wages in the trade are as follows:— Rates for wages.

	Rs.
Male	12
Females	9
Children	5
Jobbers	50
Officers	200

The majority (95 per cent.) of the workmen being paid by the piece, it is well also to note the average rates of wages for production of 100 lbs. of yarn,

Mule spinner 3¾ annas, piecer 2½ annas.
weaver 12 rupees.

2. The most peculiar circumstance about the rates of wages is that there seems to have been no very sensible fluctuation for the last 25 or 30 years. Carrying thus our retrospect to so far back as two or three decades, we cannot help being struck with the all along sameness of wages in the textile trade. Fluctuations, absence of.

3. Bearing in mind that the education and moral condition of the employés has in no way made any material progress, whereas the purchasing power of money during the period has steadily and considerably decreased, the condition of the mill operatives in respect of happiness and of some degree of opulence and comfort seems evidently to have been more retrograde than progressive. 98 per cent. of the operatives do not know how to read or write.

"Since 1853," says Lord Brassey in his 'Work and Wages,' "we (England) have subscribed no less than "40,000,000*l.* for Indian railways. A considerable "portion of this has been paid to native labourers and "the result has been that in the districts traversed by "these railways wages have increased within a short "time no less than 100 per cent. The price of labour "has increased to an extent still more marvellous in "Bombay." In a paper furnished by Sir Bartle Frere to the Select Committee on East India Finance the remarkable rise in wages in consequence of increased competition is shown as follows:—

1830.	1860.	
Rupees 15	Rupees 30,	wages of a carpenter.
„ 7	„ 14	„ coolie.

The figures are old, but they are reliable, and show that within a period of 30 years wages had almost doubled. The fact (of keen competition doubling the wages of labour in other trades) taken side by side with the almost uniform wages in the textile trade, where the competition has been and is by no means less keen, brings us to the consideration of other factors which regulate and influence the rate of wages.

"It is not the actual greatness of natural wealth but "its continual increase which occasions a rise in the "wages of labour."* Within the last 30 years the capital engrossed in the trade has increased about twelve times, and Bombay has become what it is, almost the first town in India, comparatively low in the scale as it was 30 years ago. It is as well not to omit that a certain per-centage of the above capital has gone to provide for the recuperation of the waste of machinery, including daily wear and tear and absolute renouncement.

4. The margin of profit for every pound of production in the trade in 1872 was from 1 to 1½ annas, which in 1892 has gone down to almost ¼ to ½ anna. The actual production has only increased in such proportion as to make the absolute profit of the employer suffer in the same ratio as the margin of profit. This can be easily seen by a comparison of the proportion of output in 1892 and in 1872 to that of the pound profits in 1892 and 1872.† It is as well to note here that so far as the undersigned is informed, all that the Bombay mills have done during the period under discussion to remedy over-production and the consequent glutting of the market has been to work short hours or rather short days in the week for some three months in 1878 and about as many in 1890. A reduction in the hours of labour, it must be noted, does not necessarily result in reduced production. A little more diligence will easily enable workmen, who as a class in India are known

* In 1892 the capital absorbed amounts to almost 58 millions rupees (5,80,00,000). In 1872 it was about 50 lakhs, rupees 50,000,000.

	1872. Cotton.	1892. Cotton.
† Consumption about	Cwts. 200,000	Cwts. 3,100,000
	Pound profit. 1872.	Pound profit. 1892.
Pies	15	4

to be lazy and never to do their day's work without repeated intervals of idleness, smoking, &c., to put in as much work in 9 hours as in 11.

5. The China and Japan bazárs have all along steadily responded and absorbed the products of our mills. Only on two or three occasions, and those for about two or three months only at a time during the long period of 30 years and more, the trade apparently seemed to be depressed and slack. But there has always been a rebound which has more than made up for the temporary depression, and the undersigned inclines to think that at no time was the hold of Bombay products stronger on the above markets than it is now, and is likely to remain for some years to come. The position is secure notwithstanding the "diminished profit" and "working at a loss" cry of interested persons. It is a curious fact to note that there was and is an under-current of feeling amongst the mill-owners against the compulsory stoppage of factories on Sundays. Over-production, therefore, is not what the owners dread or have dreaded. The competition is very keen indeed and it is known to everyone that such mills, and there are many, as cannot turn out superior quality of yarn, try by increased production to make up their average profit.

Improved machinery and greater speed now than there used to be in 1872 ought to have had considerable influence on the products turned out in respect both of quality and quantity, greater in the former than in the latter, as the average turn-out per man every day is greater now than it was in 1872 (about 10 per cent.).

6. In the consideration of the above factors we must not forget to note the important bearing of and the side-light thrown by the following figures and facts :—

Tending to lessen the price of labour.

(1.) The number of operatives employed daily in 1872 was about 10,000, in 1892 it is 80,000.

(2.) Agriculture in India is daily losing its hold upon the rural population. It is becoming less and less pleasant and remunerative.

(3.) Coolie and other ordinary kinds of labour admit of female labour as in the textile industry.

(4.) The proportion of increase of capital in other trades is smaller than in the textile trade.

7. From all that is stated above is it not reasonable to infer that the bargain between capital and labour has for the last 30 years been all along in the favour of the employers? The mill hands, as remarked elsewhere, are a mild and suffering lot of men, and if there has not been one serious strike (as will be shown hereafter) during the period under examination, is it not safer to ascribe the non-existence of such combination against the masters, and of discontent for their own lot, to their illiterate and patiently suffering nature than, as others would make out, their thriving condition? Is it possible to conceive that they could be in a thriving condition when the average wages* are about twice the amount necessary for the bare sustenance and clothing of one person? In making the assertion it is not forgotten that the wages of the man are in some cases supplemented by the wages of his wife and daughter and son. This supplementary help, it must be noted, is always counted upon in the rural districts in agricultural pursuits, and a man with a large family ought certainly to be better off in the textile trade and be possibly in a thriving condition.† But this is rare when early marriages and other social circumstances surrounding the Indian labourer keep a constant drain upon the limited resources of the head of the family.

Reduction in the wages contemplated.

8. [redacted]ow generally felt by all millowners that [redacted]hould undergo diminution. What the result of [redacted]duction will be one cannot foresee. The under-[redacted]however, is of opinion that competition being [redacted]een no such attempt will be made, and, if made, [redacted]ove abortive.

[redacted]erted action on the part of all millowners alone [redacted] if the combination was possible, and I have grave [redacted] of its possibility, affect and reduce the wages. [redacted]t be admitted that if capital has increased in the [redacted] trade it is because that trade is more remunera-[redacted]an others, or because it partakes of the general [redacted]se of capital. If the former, it must mean that [redacted]profits in that trade have increased or fallen in other trades; if the latter, it means that the old hoardings have been let loose in the country under a benign Government, and/or that foreign capital has also been imported. In any case if capital has increased in the textile trade there would be in ordinary course more to spare for the labourers unless the industry in its transitional state has for some years to sink a large part of its capital in fixed capital. If there is more to spare* for the labourers, and we have seen that there is, and wages have not increased, it is either because the demand for labour has been met by a proportionate increase of supply and/or that textile labourers are more ignorant than other labourers, and therefore their ignorance outweighs whatever force competition among employers might exercise in the labour market.

Payment.

9. The majority are paid by the piece. Piece-work has been a popular institution amongst the operatives, and the undersigned feels diffident to offer any suggestion, strongly as he may feel in agreeing with Thornton and others that some modified system of payment should be introduced, especially in a country like India, where almost all operatives are illiterate and not able to take care of themselves, who are virtually incapable of entertaining any prospective ideas of life, men who live for the present, leaving the future to take care of itself. Under the head of Payment the undersigned is reluctantly compelled to allude to the practice, happily not followed by all, of keeping the wages for over two months in arrears. In a special circular letter the Millowners' Association enjoined upon the employers to pay the operatives before 15th of the following month. To what greater hardship could the employés, who always live from hand to mouth, are never thrifty, and never make any provision for the future, be subjected than the payment of wages two months after they are due? About half a dozen mills can be mentioned as now and again keeping back the wages for over two months. The Hindustan Mill, a well-conducted and long established factory, it is said, did not pay the wages of April till the 5th June. The undersigned is glad to admit, however, that the practice is certainly and by no means universal, nor followed as a rule month after month, but all the same as one mill on an average employs a thousand operatives, the distress must be great indeed, and the system must be strongly deprecated.

Payment through sub-contractor.

10. The system is not followed in any of the factories in Bombay though something like 300,000 rupees on an average annually for each factory change hands.

Deduction, fines, &c.

11. Deductions are frequent in the shape of fines. In a few well-conducted mills the fines are collected and directed to a kind of reserve fund for the benefit of the employés. In majority of the mills the fines collected pass to the pocket of the employers.

No remuneration is given to the operatives for accidental stoppage of the mills on odd days or hours.

Allowances, bonus, &c.

12. In a few mills the practice of giving bonus and prizes generally to the officials rarely to the mill hands is adopted. Mr. J. N. Tata's mills have a regular system of bonus, &c., but such well-conducted and well-established factories are very rare and, so far as the undersigned is informed, there are only four such factories in the Presidency including Mr. Tata's. No mill, except those of Mr. Tata, has a system of insurance and accident fund. The usual practice is to pay the wages of the operative when disabled from accident for the time he is in hospital. No proper and adequate returns are made to the operative in case of an accident physically incapacitating him for work, or to the family when the accident proves fatal to the workman.

The Millowners' Association ought to move in such humane object, and introduce, or at least suggest, a proper system for the amelioration of the condition of the poor, an example of which has been set by men like Mr. Tata.

Length of notice for ending of engagement.

13. When the conflict between labour and capital is unequal and one-sided, it is idle to expect equal terms of notices for the ending of engagement in either side.

No notice whatever is given to the operatives. The dismissal is almost sudden, and in many cases with the forfeiture of pay. On the other hand, if any operative wishes to leave he cannot do so without a fortnight's or

[redacted]erage wages twice the natural wages. It requires above Rs. 6 [redacted]nth for the sustenance, clothing, &c. for one person. Vide [redacted]Price Commission, page 85-86.

[redacted]ntice of women sharing in the manual labour of men is to a [redacted]t extent the cause of that very poverty which it is its chief aim to al[redacted]ate.

* Probably now the diminished profits may show that there is not much to spare to the labourers. We are, however, talking of a period of almost 30 years, and the absolute profits being much larger formerly than now, a just inference could be drawn that more could have been spared to the operatives. Supply has been greater than the demand.

month's notice, and even that with the risk of losing all his arrear wages.

14. In passing it must be mentioned that the principle of giving notice beforehand is never practised by the millowners even in the case of temporary reduction of wages, a fertile and almost the main cause, as will be shown hereafter, of the frequent half-hearted and abortive strikes of the mill operatives.

Hours of labour.

17. There are no standard hours of labour for male adults, the new Factory Act restricting the hours for women to 11, and for children between fourteen and nine to seven. The undersigned thinks the legislature sufficient. Whatever reasons there may be to restrict the hours of labour of male adults in Europe, no such restriction is needed in India. The English labourer, not taking into consideration the physical factor of capability of doing work, never idles or dawdles over his work as the Indian does, the latter performing, though numerical precision is difficult to arrive at in such cases, about six hours of work only for the twelve he is employed daily in the factories.

Overtime and its remuneration.

18. Payment for overtime is almost unknown in Bombay. The undersigned has actually seen women employed in some of the mofussil ginning factories for 17 hours at a stretch, without any portion of the labour being counted as overtime work. In the Bombay mills, except in the case of fitters and jobbers in the workshops, it is not practised. The overtime remuneration is poor indeed, 10 hours of (overtime) work constituting a day's pay.

Night shifts.

19. In some of the flour mills there are night shifts, and the undersigned understands the remuneration to be the same as of other shifts employed during the day. Now and again to equalise severity of work the night shifts and day shifts change place.

Holidays without remuneration.

No weekly half-holiday or any holiday carries remuneration with it. The mills in Bombay close on Saturdays two or three hours earlier than usual, and all the operatives are employed during the period in cleaning the machinery. No remuneration is given for this work.

Condition of Labour.—Irregularity of employment through seasonal or other causes.

20. In the Bombay mills the employment is regular, and fairly throughout the year the operatives are kept in work. But such is, unfortunately, not the case in the mofussil. In outlying districts, where only ginning and pressing factories could be erected, and which work probably not more than from four to five months in the year, the operatives have actually to earn their yearly wages during the short working season. Under the circumstance to restrict the hours of labour, even of women, is a great hardship. The majority of these people are abjectly poor, and the undersigned considers the Act pressing severely upon the female operatives of the seasonal factories.

Safety, &c.

21. All the dangerous portion of the machinery in the Bombay mills, the undersigned thinks, is guarded, and in lighting and sanitation the factories are fairly well off. In the Bombay cotton presses and in some flour mills means will have to be adopted to artificially ventilate the premises. The dust raised from the openers and from the grinding machines is so very thick that it is difficult in some mills to enter the premises without a sensation of suffocation.

Compensation for accidents.

22. Answered.

Distribution of labour between factories and homes.

23. Generally, if not always, the wife participates in earning wages for her family with her husband. The women generally leave home at about 6 a.m. and return at about 6 p.m., after which they do the day's cooking for the night and the next day, in addition to other duties. The women, therefore, practically have about six to seven hours of rest only. The whole brunt of household drudgery falls upon the shoulder of women, the husband never volunteering to participate in home work.

Distribution of labour between men, women, and children.

24. Males are generally employed in spinning and weaving departments. Reeling, winding are attended to by women, and throstles and ring-frames by children. In the mofussil, women were employed on frames, but the restriction of their hours by the new Act has driven them away from the department, making room for adults who can work without such restriction.

Apprenticeship.

25. No regular system of apprenticeship is known here. At Nágpur, in Mr. Tata's mill, there is a regular and organised system of taking apprentices, and it has been found to work very efficiently. Apprentices from the mills are managers and officers of several local mills. The carding and weaving masters of good reputation here do take apprentices, but the undersigned does not know of any regular and organised system.

Employment of foreigners.

26. Europeans are in many cases employed as managers, engineers, &c., and the undersigned feels it necessary to say that all the best-conducted mills, with a few exceptions, are managed by Europeans.

Introduction of labour-saving machinery, &c.

27. From time to time labour-saving machinery and machinery with higher speed and finer finish have been introduced, but on that account there has never been a dispute raised between the employers and the employed.

28. Refusal of men of one caste to work with those of the other has singularly been rare in the textile trade. No trade unions, so called, exist. There is a kind of mill-hands' association, but it is quite in its infancy—a factor which can hardly influence the relation between the employer and the employed in any way, at least for the present.

29. The chairman, a man of some intelligence, himself told the undersigned that he could barely command the people to take interest in their own welfare by giving him all the assistance and information he may be in need of. The inherent respect and dread of the masses for the employers is all-powerful yet, and the so-called association of mill-hands has hardly any influence over the the masses to make the combination of the mill-hands powerful enough to cope with the employers' association for years to come.

30. There being always a greater supply of labour than the demand, lock-outs are unknown here. Strikes have been many, two should be put down every year for each factory, but all of them have been short-lived, and in the end it is always the operatives who have given in, in some cases with fines, and in some cases with loss of arrears of wages. The reasons leading the men to strike are mostly the temporary reduction of wages without any notice whatever, sometimes the men have clamoured for higher rates on account of price for food-grain, &c. going up, but in no case have they proved successful to dictate their terms to the owners. The undersigned, besides, has not heard of any strike resulting in the absolute stoppage of a mill even for a day.

31. The relation between the employers and the employed is said to be cordial. True, they do get on smoothly and well, but good-feelings arising from equality of give and take do not form the basis of the understanding. Power on one side and ignorance and mildness on the other are the basis on which the present relations, and the relations are quiet, rest.

32. In case of difference, the weaker side gives in; there is nothing like specified modes of settling differences, &c. How could there be when the employers are able enough to dictate their own terms?

From the Honourable NOWROSJEE N. WÁDIA, C.I.E., Tárdeo, Bombay, to J. M. CAMPBELL, Esq., C.S., Collector of Land Revenue, Customs, and Opium, Bombay.

SIR, Bombay, 14th June, 1892.

I HAVE the honour to acknowledge receipt of your communication, No. 100 of the 26th May, forwarding a copy of a despatch from Her Majesty's Secretary of State for India, giving cover to a letter with enclosures from the Royal Commission on Labour, and as requested therein, I have now the pleasure to forward, for information of Government, my answers to questions for employers so far as they relate to Bombay.

I have, &c.

(Signed) NOWROSJEE N. W[illegible]

Answers to Questions addressed to Employ[illegible] Nowrosjee Wádia and Sons.

1. My firm is engaged in managing the cotto[illegible] belonging to Sir Dinshaw Mánekji Petit, Bart.

We are also agents for a number of machini[illegible] England.

2. The number of people employed is as per A[illegible] dix A., showing the number of males, females, y[illegible] persons, and unskilled labourers.

The appendix also shows distribution of labou[illegible] between men, women, and children, referred to u[illegible] "Conditions of Labour."

3. There is no association in Bombay dealing [illegible] labour questions, but the Bombay Millowner's As[illegible] tion, which has been formed for the purpose [illegible] rally looking after the interests of the "textile tra[illegible]

has had brought before them any questions which may tend to the general benefit of the employers.

Wages.

Adults (males), Rs. 10 to Rs. 15.
,, (females), Rs. 7 to Rs. 12.
Children, Rs. 4 to Rs. 6.
Native supervisors, Rs. 15 to Rs. 100.

(*b.*) Payment is made by a rate on out-put, or by fixed monthly wages, a month being taken of 26 days. In case of women, where fixed wages are paid, payment is by task.

(*c.*) There is no system of sub-contracting.

(*d.*) Fines are levied for neglect of duty and for absence without leave.

(*e.*) There is no payment in kind.

(*f.*) On occasions bonus is paid, but not as a rule.

There is no accident, pension, or other compensation system for times of accident or sickness, but we have a fund from which payments are made in case of accidents.

There is no free house, land, food, clothing, or other allowance. Free house furnished is only provided for European employés.

(*g.*) Length of notice for ending the engagement is usually of 15 days.

Hours of labour.

(*a.*) Hours of labour are from sunrise to sunset, which in long days amount to 13½ hours, and in short days 11½ hours.

(*b.*) Overtime remuneration is only paid to the mechanics but not to the operatives, as the latter are never required to work overtime.

(*c.*) There is no system of night shifts.

(*d.*) Sunday work is prohibited by the Factory Act except in cases of native holidays intervening during the week.

Mechanics attend for repairs on these days and are paid extra for same.

(*e.*) There is no weekly half holiday.

Conditions of labour.

(*a.*) There is far more irregularity of attendance amongst the operatives in India than in Europe, more particularly so during the rainy season.

(*b.*) Safety of employment, lighting, and sanitation is well looked after; in fact the cotton mills as regards sanitation are far in advance of the dwelling-houses of the workpeople.

(*c.*) Compensation is invariably granted in cases of accidents.

(*d.*) There is no sub-division of labour.

(*f.*) This is answered in Appendix A.

(*g.*) No apprentices are engaged.

(*h.*) As a rule engineers and card and spinning overlookers are Europeans, though of late natives are beginning to take their places.

(*i.*) Machinery of the very best quality which money can procure, is generally purchased.

(*j.*) Machinery and other plant is brought out from England.

(*k.*) There are no representative delegates, and therefore no black lists in existence.

Strikes and lock-outs.

1. We have have had two strikes the last 10 years.

Disputes are easily settled, unless the employer does not use tact when settlement is delayed.

They principally result from curtailment of wages.

GENERAL.

1. It is already answered in "Introductory 3."

2. There is no system of paying on co-operative production, industrial partnership or profit-sharing.

3. Government are invariably employers of labour in the various districts, but the operatives earn far more in textile trades than in Government employment.

The other questions do not require any answer, as the present arrangements are sufficient.

APPENDIX A.

Number of persons employed.

Males	5,346
Females	1,128
Children	636
Unskilled labourers	277
Total	7,387

Per-centages of males employed, 72 per cent.
Do. females do. 15 do.
Do. children do. 9 do.
Do. unskilled labourers 4 do.

(Signed) NOWROSJEE WÁDIA AND SONS.

To J. M. CAMPBELL, Esquire, C.S., Collector of Land Revenue, Customs, and Opium, Bombay.

SIR, Bombay, 21st June 1892.

I HAVE the honour to forward herewith my answers to the questions marked A., B., and C. in the copy enclosure from the Royal Commission on Labour, which accompanied your letter No. 101 of the 26th May last. Trusting they will be found in order.

I have, &c.
(Signed) JAMSETJI N. TATA.

ANSWERS.

A.

As no trade unions exist in Bombay I have nothing to reply to under this head.

B.

I.—INTRODUCTORY.

1. My firm manages the Svadeshi Mills Company, Limited, in Coorla, Thána District, situated 9 miles by rail from Bombay City, and the Central India Spinning and Weaving Company, Limited, at Nágpur in the Central Provinces. Both manufacture yarn and weave cloth, and are worked throughout the year; but the latter also owns small cotton ginning factories at Wardha, Shirpur and Powna in the Wardha District, which are worked for about five months in the year.

2. At the Svadeshi Mills the number of workpeople employed are as under:—
(*a.*) 1,572 males.
(*b.*) 514 females.
(*c.*) 9 apprentices and 345 young persons, of whom 10 are females.
(*d.*) 108 unskilled labourers.

At the Nagpur Mills the workpeople employed are as under:—
(*a.*) 2,145 males.
(*b.*) 477 females.
(*c.*) 220 boys and 44 girls under 14 and above 9 years.
(*d.*) 228 unskilled labourers. For purposes of the Wardha Ginning Factories there are employed (*a.*) 169 males, and (*b.*) 125 females, of whom (*d.*) 175 are unskilled labourers.

3. My firm is not connected with any employers' organisation dealing with labour questions.

II.—WAGES, HOURS, AND CONDITIONS OF LABOUR.

1. Wages.

I may generally observe that the new cotton mills, which have sprung up in Bombay during the last six or seven years, have to pay a comparatively higher rate of wages to the workpeople, as trained hands from the older mills had to be employed. But it is universally felt that wages should undergo a diminution now. In fact the local millowner' association considered the subject some time ago. And as far as my knowledge goes a few mills have already made a reduction all round in the wages of operatives, while many more are about to fall on the same course.

(*a.*) Wages paid at the Svadeshi mills amount to Rs. 26,000 per month, while at the Nágpur mills they come to Rs. 21,220. At the former—

A spinner	earns per month	Rs. 25
A weaver	,, ,,	16-8 (for minding 2 looms.)
A weaver	earns per month	Rs. 18-8 (for minding 1 loom.)
A reeler (woman)	earns per month	Rs. 9-8
A doffer (boys and girls) above age	,, ,,	6
A doffer (boys and girls) under age	,, ,,	3-8
A winder (woman)	,, ,,	10-8

(*b.*) (1 and 2.) Generally, payment is by the month while the wages of adults are regulated by piece-work, save in a few cases.

(3.) None by the task.

(*c.*) None.

(*d.*) Fines are inflicted mostly for bad work, but they are trifling in amount. Infringement of the rules in force for operatives is also punished by fines. They are about one per cent. of the total amount of wages paid in a month.

(*e.*) None.

(*f.*) (1.) At the Nágpur mills there has been established for many years past a system of awarding bonus or prizes. There is a monthly competition in the different departments for regularity in attendance,

efficiency of work, and so on. The results of the competition are recorded, and at the end of the year those who have shown the greatest regularity in attendance, skill in work, &c. are awarded money prizes.

(*f.*) (2.) At the Nágpur mills there is instituted a scheme of pension, particulars of which are annexed herewith marked (A.) At both mills it is customary, in case of accidents to an operative, to allow him full wages while he is laid up and until he is able to resume work. In the case of those who are disabled from doing the work they did before the accident, other suitable employment is found in the mill. As to persons dying by reason of accident, their nearest relations are given a compensation; and the children, if of a workable age and willing, are offered employment in the mills.

(*f.*) (3.) None.

(*g.*) Fifteen days' notice at the Svadeshi and 30 at the Nágpur mills is given and required for ending engagement.

Hours of labour.

(*a.*) The average duration of work all through the year is 11½ hours per diem at both the mills, statutory Sundays and certain specified holidays excluded. Male adults work for the regular hours, with half an hour's rest at midday; female adults and all children work in terms of the provisions prescribed under the Factory Act.

(*b.*) None for ordinary workpeople.

(*c.*) None.

(*d.*) None.

(*e.*) None.

Conditions of labour.

(*a.*) None.

(*b.*) Machinery at both the mills is well fenced and guarded. No artificial lighting used. Latrines and drinking water adequately provided. Mill premises well ventilated and regularly whitewashed at stated periods under the Acts. Inspection is done by factory inspectors.

(*c.*) *Vide* answer to (1.) (*f.*) (3.) on wages.—

(*d.*) None.

(*e.*) None.

(*f.*) Women only work on reels and winding machines, children doff and piece. The rest of the branches of the mill are attended to by men.

(*g.*) Both mills receive a limited number of apprentices who may have passed either the University entrance examination or the seventh standard of public schools. They are bound for three years with two years' further service at the option of the company on terms and conditions mentioned in the accompanying form marked (B.) It may be here observed that no such conditions of apprenticeship prevail elsewhere in Bombay. The usual practice seems to be for the apprentice to bind himself for two years to a carder or spinner or engineer in a mill on the payment of a honorarium mutually agreed upon, generally ranging from Rs. 1,000 to Rs. 2,000, according to the reputation of the master to whom he is apprenticed.

(*h.*) Two Europeans are employed at each of the mills.

(*i.*) Every labour-saving machinery that could be practically put to work is employed.

(*j.*) Raw cotton and such country stores as could be provided by local markets, other stores indented from European markets; machinery and plant wholly imported from Europe.

(*k.*) Unknown here, as there are no trade unions.

(*l.*) None.

III.—Strikes and Lock-outs.

1. There was one strike at the Svadeshi in 1887 which had its origin in alleged inadequacy of the rate of wages in the card and weaving rooms. It lasted three days. I am not personally aware of the strikes prior to 1887, as my firm were not connected with the mills from 1881 to 1887.

2. I cannot say, but I believe they are rare.

3. None.

IV.—General Questions.

1. None exists.

2. None attempted.

3. None.

4. There is no agency in Coorla, neither at Nágpur, but some few months ago the Salvation Army, which has its head-quarters in Bombay city, offered us a few unemployed operatives. But the trial was hardly satisfactory. The Salvationists have, I believe, made known to the public the existence of their labour bureau.

5. All statistical and other information relating to the industry is collected and recorded by the Bombay Millowners' Association, a copy of which is forwarded to the Local Government. Independently of this the Government of Bombay annually collects certain statistics. And the Government of India's annual publication of the statistics of agricultures, arts, manufactures and industries contains all requisite information. This publication is officially known as "the Statistical Abstract."

6. No occasion has arisen yet. As a rule the relations existing between capital and labour are of a cordial character.

7. I have no other statement or suggestion to make for the information of the Commission.

Central India Spinning, Weaving and Manufacturing Company, Limited.

The Empress Mills, Nágpur.

1. The directors of this company have been pleased to open a gratuitous pension fund for the benefit of workpeople employed at the Empress Mills, Nágpur. They intend to add to it, from time to time, such sums as to them may appear fit.

2. The object of the fund is to pay, at the discretion of the directors, to those workpeople, both male and female, who have completed 30 years' service, and are no longer able to work, a pension equal to half the average monthly earnings, during the last two years of such service, but not more than a maximum pension of Rs. 5 per month will, in any case, be paid.

3. From the same fund it is intended to pay, at the discretion of the directors, to those workpeople who have completed 25 years' service, an increase of an eighth of the average monthly earnings, for the last year of such service, but not more than the maximum of Rs. 1¼ per month in the shape of such increase will, in any case, be paid.

4. A printed certificate, signed by the manager, will be given to every person who shall have completed five years' service; all such certificates should be retained by such person, and produced when claiming the benefit of the increase of pay or of the pension as above provided.

5. It is to be distinctly understood that the pension will only be granted to such workpeople as are after 30 years' service proved, to the satisfaction of the directors, to be incapable of working any longer at the mill and worthy of support.

6. The increase of wages, on account of 25 years' service, will continue to be paid, even after the expiration of 30 years' service, so long as the person entitled to it remains in the service of the company.

7. All leave of absence granted to the workpeople, not exceeding in the aggregate six months in every five consecutive years, will be considered as part of service. All leave in excess of such six months in five years will not be reckoned as part of service. If a person leaves the service and rejoins it, the term of service for the purpose of the above provisions will count from the day he rejoins or last rejoined.

8. It must be understood that the creation of the fund in question will not confer any legal right upon any employé of the company to participate in the benefit thereof, and that the directors may, at their sole discretion, at any time withdraw the said fund, or reduce it, or appropriate it otherwise than here provided.

9. The directors also reserve absolute authority from time to time and at all times to add to and alter the conditions on which the employés of the company shall have the benefit of the said fund.

Jamsetjee N. Tata,
Managing Director.

(Similar Form in use by the Central India Spinning and Weaving Company, Limited, of Nágpur).

Articles of Agreement, made this
day of 1890, between the Svadeshi Mills Company, Limited, of Bombay, registered under Companies Act, 1882, and carrying on its business in Bombay, of the one part and
of
of the other part. Witness that the said apprentice of his own free will doth by these presents put, place and bind himself unto the said company for the term of three years from the date hereof as a working apprentice or operative to serve the company in their mills at Coorla or in any other mills or factories which may belong to the said company or be under their management in any other part of India. And the said apprentice hereby covenants that during such term of

three years he will truly and faithfully serve the said company, obey their lawful commands, keep their secrets, diligently and carefully learn and perform such work and business as may be entrusted to him, give to the said company, when required, true and correct account of the goods and moneys which may be committed to his charge or come into his hands, and attend to and remain at his work regularly and steadily at and during such hours as may be prescribed by the regulations of the said company or by the custom for the time being prevailing. And, further, the said apprentice covenants that he will not during the said term knowingly or intently do any damage to the machinery, goods or any other property belonging to the said company or consent to any such damage being done by others, but will, if possible, prevent the same and give warning thereof and will not embezzle or waste the property or goods of the said company, nor give or lend the same to others, nor absent himself from its service without leave. In consideration of rendering it service in the manner aforesaid the said company hereby covenants with the said apprentice that its officers and workpeople will do their best to make him learn and perform such work and business as he may be put to in all or any of the departments of its mill, and that it shall allow him during the first three years of the aforesaid period of three years a monthly salary of rupees (10) ten every month. Provided that if during the first two years of his service the said apprentice learn and perform his work and otherwise conduct himself to the entire satisfaction of the agents or the chief responsible officer at the mill, the said company shall at the expiration of the second year of his engagement grant him a bonus of rupees (125) one hundred and twenty-five. And, further, if the said apprentice similarly learn to efficiently perform his work and satisfactorily conduct himself during the third year of his service the said company shall at the end of the said third year grant him a bonus of rupees (250) two hundred and fifty. Provided also that if the agents are desirous of terminating the service of the said apprentice at the expiration of the third year, it shall be lawful for them to do so upon giving the said apprentice (15) fifteen days' previous notice, either verbally or in writing, and thereupon this agreement shall absolutely cease and determine notwithstanding anything to the contrary herein contained. Provided also that if the agents are willing to retain the service of the said apprentice after the expiration of the said period of three years, the said apprentice shall continue to serve the said company for a further period of two years truly and faithfully in accordance with the stipulations hereinbefore contained, and the said company shall during such continued service pay him every month a salary of rupees (30) thirty. Provided further that if the said apprentice commit a breach or refuse or neglect to perform or observe any of the covenants, agreement or stipulations hereinbefore contained, or on his part to be observed or performed, then and in such default the said apprentice shall forthwith refund to the said company all the moneys paid to him by the said company whether by way of salary, bonus or in any other manner whatsoever, such refund shall be considered and held to be as and for liquidated damages, and the agreement hereby entered into and the unexpired period of his engagement shall thereupon cease and determine. In witness whereof the said parties have hereunto affixed their hands the day and year above written.

Witnesses:

Summary of Replies to Labour Commission.

I.—Introductory.—1. The business and the locality of the factories regarding which information has been received.

Answers have been received in the Northern Division from three spinning and weaving, one spinning and one ginning factory in Ahmedabad; from one spinning, and one spinning and weaving factory in Surat; and from two spinning and weaving factories in Thána. In the Central Division, from two spinning and weaving mills, one in Khándesh, the other in Sholápur, and in the Southern Division from a spinning mill in Belgaum and from a ginning factory in Dhárwár. The Bombay city information includes answers from the Millowners' Association, representing 67 spinning and weaving mills; from Mr. Wadia representing the owners of three Bombay mills, and from Mr. Táta representing two mills and several ginning factories outside of Bombay. They also include answers from Mr. Moos, the acting factory inspector, and from Mr. Drewet, the senior inspector of boilers, a former manager of one of the leading Bombay mills.

The following summarises the succinct narratives prepared for each of the divisions and for Bombay city.

2. Number of workpeople.

In the Northern Division the number of workers employed in the mills for which answers are available is: males from 680 to 1,572, females from 110 to 910; boys from 51 to 335, and girls from 10 to 68. Except 108 in one mill unskilled labourers are not employed. In the Central Division the answer refer to 1,468 males, 366 females, 53 young people and 71 unskilled labourers. In the Southern Division to 419 males, 370 females, 464 young people and children, and 570 unskilled labourers. The Bombay answers refer to a total of 67,647 workpeople.

3. Is your firm connected with any organisation of employers dealing with labour questions?

The Bombay millowners from whom answers have been received belong to the Bombay Millowners' Association. Except two in the northern division, none of the other firms belong to that or to any similar institution.

II. Wages—(a.) The amount.

In the northern division daily wages vary from 2 annas to 4 annas, and monthly wages from Rs. 7–8–0 to Rs. 70; in the central division wages are said to vary from Rs. 5 to Rs. 70; in the southern division skilled labour varies from Rs. 15 to Rs. 150, and unskilled from Rs. 6 to Rs. 10. In Bombay the wages—

	Rs.
Of spinners vary from - -	20 to 25–0–0
,, weavers from - -	16 ,, 16–8–0
,, reelers (females) - -	8 ,, 9–8–0
,, winders (females - -	8 ,, 10–8–0
,, doffers (children) full time -	6
,, ,, and half time	3–8–0

II. Wages—(b.) Mode of payment.

In the northern division, except skilled labourers, who are paid by the week or the month, daily payments are the rule. Piece-work is common, and task work rare. In the central division wages are paid by the month, and both piece and task works are enforced. In the southern division skilled labour is paid by the month and unskilled by the day. Piece-work is in use and task-work is unknown. In Bombay, payments are made monthly generally by the piece, and in some cases by the task.

II. Wages—(c.) Is payment made through a sub-contractor?

In the northern division payment is seldom, and in the central division never, made through contractors. Payment through contractors is the practice in one of the two southern division factories, and in Bombay occasionally in the case of boilers and bundlers.

(d.) Deductions by fines or other stoppages.

In the northern and central divisions, fines are imposed for absence and for bad work; in the southern division, fines are rare; in Bombay fines are light, but not uncommon. In some mills stoppages are enforced, and the amounts credited to a workman's fund.

(e.) Truck, or payment in kind.

In no part of the Presidency is truck or payment in kind in force.

(f.) Special allowances—(1.) Bonus.

In the northern division and southern division, bonuses are said to be given, and in Bombay bonuses are paid to the heads of departments.

(2.) Sick, accident, pension.

In the northern division, no provision exists for pension or other insurance. No sick allowances are paid. In the case of accidents, some payment is made, and in one mill, in the case of fatal accidents, provision is made for the dependents of those who have lost their lives. In the central division, allowances are made in the case of accidents; in one of the southern division mills payments in cases of accident, and some sick pay are allowed; in Bombay, such allowances are unknown.

Length of notice ending an engagement.

In the northern division, except in the case of grave fault, the term of notice for ending an engagement varies from a week to a month. In the central division, one month's notice is the rule; in the southern division, from 15 days to a month; and in Bombay, from 14 days to a month.

Hours of labour—(a.) Ordinary or standard.

In the northern division, according to the season, the labour of adult workers varies from 11 to 13 hours; in the central and southern divisions, the term is 12 hours, that is, from sunrise to sunset; in Bombay, from daybreak to dusk, 11¼ hours in the short and 13¼ in the long days. In all parts of the Presidency the standard hours for women and children are those sanctioned by the Act.

(b.) Overtime and its remuneration.

In the northern division overtime is rare. When required it is sometimes paid at ordinary, sometimes at double rates; in the central division, except in connexion with the repair of machinery, overtime is unknown; in the southern division, the spinning mill has no overtime, and the ginning factory has overtime at the usual rate of wages. In Bombay, as none of the

mills are artificially lighted, no adult males work overtime. In the case of women and children the law forbids overtime.

(c.) Night shifts.

In the northern division, except in one case where double rates are paid, night shifts are unknown; the central division mills have no night shifts; in the southern division spinning factory night shifts are unknown. They are in force in the ginning factory at the ordinary day rates. In none of the Bombay spinning and weaving factories are night shifts in force.

(d.) Sunday work.

In the northern division, Sunday work is allowed in some cases at the usual, in others at double, rates. In certain mills Sunday work is confined to cleaning and repairing machinery; in the central division, Sunday work is unknown; it is unknown in the southern division spinning factory, and practised at the ordinary rates in the ginning factory. In Bombay, machinery is repaired at the usual rates on Sundays. Other work is forbidden unless a holiday is given instead of Sunday.

(e.) Weekly half-holiday or other holiday.

In no part of the Presidency is a weekly half-holiday allowed. Except to the permanent staff, when holidays are taken, no payments are made.

Conditions of labour—(a.) Irregularity.

All over the Presidency in spinning and weaving mills (except in the case of a big break) employment is constant. In ginning and pressing factories it is seasonal.

(b.) Safety, lighting, sanitation, and inspection.

In all parts of the Presidency provision is made for a quarterly inspection by the Government inspector, supplemented by the visits of a local magistrate and doctor. Throughout the Presidency the machinery is efficiently guarded. A few dark rooms in Bombay factories are lighted by day; no mill is lighted by night. As regards sanitation, some of the northern division factories are said to be defective. In the central and southern mills, sanitation is said to be well attended to; and in Bombay, except in a few of the older mills, the sanitary arrangements and ventilation are sufficient.

(c.) Compensation for accidents.

In the northern division, no compensation is given for accidents; compensation is given according to circumstances in the central division, and in the ginning factory of the southern division. In Bombay, as a rule, no compensation is given.

(d.) Subdivision of labour as between different trades.

The only sub-division of labour is between weaving and spinning. The whole process of manufacture is carried out in the factories.

(e.) Distribution of labour between factories, workshops, and homes.

Distribution among workshops and homes is unknown.

(f.) Distribution between men, women, and children.

In spinning and weaving factories, as a rule, women reel and wind, children piece and doff, and men perform the other processes. In ginning factories the moving of heavy weights is done by men, and the handling of cotton and other lighter processes by women.

(g.) Apprenticeship.

Except in Bombay, and in one mill in the northern division, apprenticeship is unknown. In Bombay, Mr. Tata has introduced a three years' apprenticeship with encouraging results.

(h.) Employment of foreigners.

Except Europeans, who all over the Presidency in a large number of mills are managers and heads of departments, no foreigners are employed.

(i.) Labour-saving machinery.

All over the Presidency labour-saving machinery is freely employed.

(j.) Machinery and plant.

The machinery and plant in all cases come from England. The quality and quantity are said to be satisfactory.

(k.) Trade unions and other causes of dispute.

In no part of the Presidency do organised trades unions exist. There are no delegates and no black lists. Still at least in Bombay the workpeople have a tacit understanding that no one shall agree to perform the different classes of duty at less than the wages hitherto received. At least in Bombay if any man agreed to break the rate of wages the other workers would hold aloof from him and probably force him to leave the mill. The causes of dispute mentioned for the northern division apply throughout the Presidency by irregular attendance and bad work. These causes rarely give rise to serious difficulties.

Strikes and lock-outs. 1. How many strikes and lock-outs have taken place?

Strikes and lock-outs in the sense known in England do not occur. In the northern division work has occasionally been stopped for a day or two owing to the infliction of fines or to the lowering of wages. Such disputes have been quickly settled, generally by a compromise. In the central and southern divisions labour disputes are unknown. In Bombay such strikes as have occurred have been limited to single mills or departments of mills. They have not lasted over three days. The usual cause is said to have been the attempted reduction in the rates of wages.

Have disputes become more or less frequent?

Of late years labour disputes are said to be less common than formerly in Bombay and to show a tendency to increase in the northern division.

General Questions; (1.) Any system to arrange trade disputes.

The answers to the questions regarding strikes show that no system for arranging trade disputes has hitherto been required.

(2.) Any system of profit-sharing.

No system of profit-sharing between the millowners and the workers has yet been attempted.

(3.) Competition of Government and local authorities.

Except by the insignificant manufacture of coarse cloth in certain jails, neither Government nor local authorities in any way compete with the mill industry. In no case does such jail competition affect the local rates of wages.

(4.) Labour agencies.

Except a labour office lately opened in Bombay in connexion with the Salvation Army, but so far on a small scale and in branches of labour separate from the mill industry, agencies for providing or discovering employment for mill-workers are unknown.

(5.) Statistical (6.) or other (7.) Suggestions.

Except in the northern and central divisions that fuller information should be published regarding cotton crops and other cotton trade statistics, and in the northern division that the Act limiting the hours of labour for women and children should be repealed, no suggestions have been offered regarding the publication of statistics or the settlement of strikes.

JEHANGEER DOSSABHOY FRAMJEE,
Acting Chief Inspector of Factories,
Bombay.

GENERAL DEPARTMENT.

MISCELLANEOUS—No. 2520.

Calcutta, the 23rd August 1892.

From W. MAUDE, Esq., Offg. Secretary to the GOVERNMENT OF BENGAL, to the SECRETARY to the GOVERNMENT OF INDIA, Home Department.

From the Secretary, Bengal Chamber of Commerce, enclosing reply from the Indian Jute Manufacturers' Association.

From the Secretaries of the Ghoosee Mills Company, Limited.

From the Proprietors, Hastings Jute Mills.

From the Proprietors, Howrah Hydraulic Press.

From the Managing Agent and Secretary, Calcutta Cotton Mills Company, Limited.

From the Secretaries, Nasmyth's Patent Press Company, Limited.

From the Secretary, British Indian Association.

SIR,

IN reply to your No. $\frac{6\text{-Judl.}}{370}$, dated the 14th March 1892, I am directed to inform you that the questions of the Royal Commission on Labour, Parts B and C, were circulated to certain firms and representative bodies in Bengal, from the majority of which replies have now been received. Some of these are so imperfect as to be of little value, but I am to submit the replies noted above for such use as the Government of India may think fit.

2. The replies received from the Indian Jute Manufacturers' Association forwarded by the Bengal Chamber of Commerce, from Messrs. Robinson, Morrison and Company, on behalf of the Ghoosery Cotton Mills Company, and from Messrs. Birkmyre Brothers, who own the Hastings Mills at Serampore, sufficiently represent the employers of labour who are engaged in the manufacture of jute in Bengal. Messrs. Duffus and Company represent another branch of the industry, that of jute pressing, while the British Indian Association, a purely political body, has approached the subject from the point of view of the workman.

3. It will be perceived that there are no Trades Unions in Bengal, and that strikes and lock-outs play a very small part in the textile industry as it is carried on in this province. Generally speaking, employers and employed are on the best of terms, and the relations between them in this branch of manufacture have never been the cause of anxiety to Government. The interests of the workmen are sufficiently protected by the Factories' Acts, the more recent of which, Act XI. of 1891, has increased the stringency of the legislative provisions regulating the employment of labour. A

special inspector of factories has been appointed to see that these provisions are effectually observed, and, as far as the Government is concerned, everything that it is possible to do for the textile industry (apart from the regulation of wages), has been done to promote the health, comfort and well-being of the workmen. The British Indian Association states that there is usually the greatest good feeling between labourers and their masters.

4. A brief note on the subject has been drawn up in the succeeding paragraph, based chiefly on the answers supplied by the Indian Jute Manufacturers' Association. The order followed in the note corresponds with the order of the B series of questions addressed to employers of labour.

5. *I.—Statistics of the Factories.*—In the Lower Provinces there are eight cotton mills and 24 jute mills. The former employ daily on an average 5,066 men, 1,745 women, and 1,610 children, and the latter 40,948 men, 13,613 women, 9,530 children, or in the proportion of 63, 23 and 14 per cent. respectively.

II.—Wages, hours and conditions of labour.—The wages of the operatives, which are paid partly by the week or month, and partly by the piece, vary from one rupee per week for children working half time at the simplest kind of work, to Rs. 10 or Rs. 12 per week for a skilled mechanic. Only such work as importing raw material or despatching manufactured goods is done by contract. There is usually a small bonus for regular attendance, and trifling fines are imposed for bad work or irregular attendance. There is no system in force under which deferred pay is accumulated as insurance against sickness, accident, or old age. The length of notice for the termination of engagements varies, but is generally one week for labourers paid weekly, and one month for those paid monthly. Only labourers cleaning and mechanics repairing the machinery are employed overtime or on Sundays. Those employed on Sundays have a holiday preceding or following the Sunday on which they work. Mills are never worked on Sundays, and no payment is given for holidays. Work is carried on regularly at all seasons up to dusk on each working day. Sanitary arrangements come under the supervision of Government, and are as a rule sufficient. Accidents are, with few exceptions, due to the carelessness of the operatives themselves, and bear a small proportion to the number of workmen. Injured workmen, who are not permanently incapacitated for work, are generally allowed half-pay during the period of absence from duty. All work is done on the mill premises. There is no regular system of apprenticeship. The managers and overseers of departments are Europeans, and in some establishments a few Chinamen are employed as carpenters, but otherwise all the employés are natives of India. Labour-saving machinery is introduced wherever practicable, and machinery and other plant is usually the best procurable. The supply of raw material has been generally sufficient: in one or two seasons only some jute mills have had to stop work, and others to reduce working time for want of material, the crop being deficient.

III.—Strikes and Lock-outs.—There have been no strikes or lock-outs of general interest or importance. Individual mills have had trouble when they have tried to reduce the rates of wages in any department in which the wages have been proportionately higher than in others, or higher than in neighbouring mills; and workers have, in a few cases, combined and refused to work under an overseer who has made himself obnoxious to them and in some cases there has been stoppage of work for a week at a time. Thus in the Ghoosery Cotton Mills there were strikes in 1881 and 1890, the former lasting for ten days and the latter for three days. The cause of the strikes was a reduction of wages, but in both cases the employés ultimately accepted the terms offered, though the Company state that they lost Rs. 2,000 over the two strikes. An organised strike affecting the whole trade, or even all the workers in one mill, has never occurred. Whenever employers have come into collision with their employés, and have persevered in carrying out whatever alterations they had determined on, even against a strike of their workers, they have, it is believed, been uniformly successful.

IV.—General.—There is no system existing in Bengal providing for conciliation, arbitration, sliding scales, or other means of preventing or arranging trade disputes. There is no system of co-operative production or industrial partnership in this province; but in the majority of establishments a bonus is paid for production above certain limits, and the general adoption of this arrangement shows that it is considered beneficial. There is no agency for finding work for the unemployed. Except the inquiry suggested by the Indian Jute Manufacturers' Association with a view to ascertaining the number of persons employed in the manufacture of jute in countries which obtain raw material grown in India free of duty, while they lay an embargo on British goods, no desire has been expressed to obtain any statistical or other information. No suggestions worthy of note have been made for the prevention of strikes or for the information of the committee in London.

I have, &c.
(Signed) W. MAUDE,
Offg. Secretary to the Government of Bengal.

No. 640—92, dated Calcutta the 22nd July 1892.

From S. E. J. CLARKE, Esq., Secretary Bengal Chamber of Commerce, to the SECRETARY to the Government of Bengal, General Department.

I AM directed by the Committee of the Chamber of Commerce to acknowledge your letter No. 1025, dated the 3rd of April last, forwarding to the chamber a request for certain information regarding the employment of labour in the preparation of textile fabrics.

The Committee of the Chamber referred this matter to the Indian Jute Manufacturers' Association, which represents the jute mill industry of this province, and they in turn referred it to a special sub-committee of the association.

I am now directed to hand you a copy of the letter No. 37 D., dated the 22nd of June, from the association enclosing answers to the questions so far as those put could be answered by representatives of the jute mill industry in Bengal. I am to say the committee regret the delay in making the reply to this reference, but, looking to all the circumstances of the case, it was unavoidable.

No. 37D., dated Calcutta, the 22nd June 1892.

From S. E. J. CLARKE, Esq., Secretary to the Indian Jute Manufacturers' Association, to the SECRETARY, Bengal Chamber of Commerce.

I AM now enabled to reply to your letter No. 372-92 of the 11th April last, handing copy of one from the Government of Bengal, together with 20 copies of the sets of questions put by the Royal Commission on Labour referred to therein.

The committee of this association notice that the Government wishes that answers should be obtained to questions under heads B. and C., so far as they are applicable to the employment of labour in the Lower Provinces.

As it appeared to the committee that the questions under head B. were not applicable to the mills as an association, they have therefore confined their replies to the questions under head C., that is to say, to the questions addressed to employers' associations.

I have now the pleasure to hand you a copy of the replies, and I am to add that they have the approval of all the associated mills.

I am also to express regret that there should have been so much delay in affording the information required by the Government, but it has been quite unavoidable.

ANSWERS TO QUESTIONS IN SECTION C.

Questions addressed to Employers' Associations.

DIVISION I.

Introductory.

1. Jute manufacturing.
2. Calcutta district.
3. Eighteen.
4. About 50,000.
5. The aim and intention of this association is to encourage and secure united feeling and action, to collect and classify facts and statistics, to open out new markets if practicable, to fix points of customs, to adopt one form of contracts, to obtain the removal of grievances, to arbitrate on matters of disputes, to communicate with public authorities or kindred associations, and generally to promote and protect the interest of those engaged in the industry in all matters relating to it, and especially in matters touching the interests of the members of the association.
6. Does not deal with these matters.
7. Not further than with a view to regulating out-put.

DIVISION II.

Wages. 1. (*a.*) From one rupee per week for children working half time at the simplest kind of work to rupees ten or twelve per week for a skilled mechanic.

(*b.*) Partly by week or month, and partly by piece.

(*c.*) Only such work as importing raw material or despatching manufactured goods is done by contract.

(*d.*) Trifling fines are imposed for bad work or irregular attendance.

(*e.*) None.

(*f.*) (1) There is usually a small bonus for regular attendance.

(2 and 3). No regular system.

(*g.*) For workers paid weekly one week. Monthly, one month.

Hours of labour. (*a.*) Children, six to seven hours.
Women, nine to ten hours.
Men, ten to twelve hours.

(*b.*), (*c.*), (*d.*) Only labourers cleaning, or mechanics repairing machinery, are employed overtime or on Sundays. Those employed on Sundays have a holiday preceding or following the Sunday on which they work.

(*e.*) Mills are never worked on Sundays. No payment is given for holidays.

Conditions of labour. (*a.*) Work is carried on regularly at all seasons.

(*b.*) Supervised by Government. The number of accidents are infinitesimal compared to proportion of workers, and are almost invariably caused by carelessness of the workers themselves.

No lighting required, as all mills stop work at dusk.

Sanitation is of the highest order, and far superior to anything prevailing in local municipalities. Good supply of clean water is kept up for use of the workers.

Inspection regularly made by Government.

(*c.*) Although almost all the accidents that occur are occasioned by carelessness on the part of the injured workers themselves, still it is customary to allow half-pay to workers while they are unable to work from accident.

(*d.*) Question incomprehensible.

(*e.*) All work is done inside the mills.

(*f.*) The proportion employed are about: men 63 per cent., women 23 per cent., children 14 per cent.

(*g.*) There is no regular system. The duration of apprenticeship is at the discretion of the overseer, and depends on the aptitude displayed by the apprentice.

(*h.*) All managers and overseers of departments are Europeans, and in some establishments a few Chinamen are employed as carpenters, but otherwise all employés are natives of India.

(*i.*) Labour-saving machinery is introduced wherever practicable.

(*j.*) Machinery and other plant is usually the best procurable, and the supply of raw material generally has been sufficient. In one or two seasons only, several establishments have had to stop, and others reduce working time for want of material, the crop being deficient.

(*k.*) Nothing of the kind known in India.

(*l.*) See answer to III., 1, 2, and 3.

DIVISION III.

Strikes and lock-outs. 1, 2, 3. There have been no strikes or lock-outs of general interest or importance in our trade. Individual mills have had trouble when they have tried to reduce the rates of wages in any department in which they have been proportionately higher than in others, or higher than in neighbouring establishments, and the workers in a department have in a few cases combined and refused to work under an overseer who has made himself obnoxious to them, and these have in some instances caused stoppages of a whole work for a time. But an organised strike affecting the whole trade, or even all the workers in one mill has never occurred.

(*a.*), (*b.*), (*c.*), (*d.*) Can only be answered by individual concerns.

(*e.*) Our association has taken no notice of such disputes.

(*f.*), (*g.*) Whenever employers have come into collision with their employés, and have persevered in carrying out whatever alterations they had determined even against a strike of their workers, they have, we believe, been uniformly successful.

(*h.*), See (*a*)., (*b.*), (*c.*), (*d.*), and (*e.*).

DIVISION IV.

1. No.

General. 2. In the majority of establishments, a bonus is paid for production above certain limits, and the general adoption of this arrangement shows that it is considered beneficial.

3. Government has a certain number of convicts employed in jute manufacturing, and their production, of course, enters into competition with that of privately-owned mills.

4. The secretary can give these.

5. It would be interesting to know how many work-people are employed in manufacturing jute in foreign countries which are supplied with the raw material from India, the only jute-producing country in the world, free of all duty, and precisely on the same terms as it is supplied to mills in the British Empire, whilst the foreign countries try to shut out all British manufactured goods by prohibitive import duties.

6. No.

7. No.

Dated Calcutta, the 24th June 1892.

From Messrs. ROBINSON, MORRISON, AND COMPANY, Secretaries, Goosery Cotton Mills Company, Limited, to OFFICIATING UNDER-SECRETARY to the GOVERNMENT of BENGAL, General Department.

In reply to your favour of 23rd, we beg to enclose answers to the several questions asked, and trust same will be found in order.

Dated Goosery, the 22nd June 1892.

From the MANAGER, Goosery Cotton Mills Company, Limited, to Messrs. ROBINSON, MORRISON, AND COMPANY, Secretaries, Goosery Cotton Mills Company, Limited.

Herewith I beg to hand you the statement of answers to the questions put by the Royal Commission on Labour. They have been dealt with, as far as possible, though many of them do not appear to apply to our business.

GOOSERY COTTON MILLS COMPANY, LIMITED.

Answers to Questions put by Royal Commission on Labour.

Questions.	*Answers.*
I.—Introductory—	
(1.)	Manufacture of mule twist. Mill situated at Goosery.
(2.) as follows—	
(*a.*)	Average daily number 857 (men). Ditto 353 (women). Ditto 36 (boys under 14 years).
(*b.*)	10 per cent. of labour unskilled.
(*c.*)	No.
(*d.*)	
(3.)	
II.—Wages, hours, and conditions of labour—	
(1.) Wages—	
(*a.*)	Average per month Rs. 10,500, fluctuation Rs. 25 monthly.
(*b.*)	Monthly and by piece.
(*c.*)	Paid direct by company's cashier.
(*d.*)	Average monthly fine Rs. 30.
(*e.*)	Nil.

Questions.	*Answers.*
(*f.*) Allowances in form of—	
(1.)	A bonus is given to all workers who attend a full month.
(2.)	Sometimes allowed in extreme cases.
(3.)	No.
(*g.*)	One month.
Hours of labour—	
(*a.*)	Nine hours per day.
(*b.*)	Two hours paid for at monthly rate.
(*c.*)	None.
(*d.*)	No Sunday work except in case of repairs; ordinary wages paid for hours worked.
(*e.*)	Sundays and important Poojahs without pay.
Conditions of labour—	
(*a.*)	Labour always fluctuating.
(*b.*)	Machinery properly fenced; lighting by electric light and gas; mill well ventilated; latrines and drinking water provided; inspection daily
(*c.*)	Sometimes given in cases when the injury has not been caused by carelessness.
(*d.*)	No subdivision.
(*e.*)	Does not apply to our business.
(*f.*)	Men mostly employed on the heavy work, women and children on light work.
(*g.*)	None.
(*h.*)	None.
(*i.*)	All machinery labour-saving.
(*j.*)	Always procurable at market rates.
(*k.*)	Does not apply to our business.
(*l.*)	Ditto ditto.
III.—Strikes and lock-outs—	
(1.)	Two.
(2.)	Have had no disputes lately.
(3.) Under the following heads—	
(*a.*)	Cannot give dates; one strike lasted ten days, another three.
(*b.*)	Wages.
(*c.*)	All.
(*d.*)	All.
(*e.*)	Cannot say.
(*f.*)	Employés gave in.
(*g.*)	Reduction.
(*h.*)	About Rs. 2,000.
IV.—General questions—	
(1.)	No.
(2.)	None.
(3.)	Cannot say.
(4.)	There is no agency that we know of.
(5.)	None.
(6.)	A union or association of mill agents and owners to govern factory affairs would be beneficial to all concerned.
(7.)	No.

ROBINSON, MORRISON, & Co.,
Secretaries.

A. B. LANGHAM,
Manager.

Goosery, the 22nd June 1892.

B.—QUESTIONS ADDRESSED TO EMPLOYERS.

I.—INTRODUCTORY.
II.—WAGES, HOURS, AND CONDITIONS OF LABOUR.
III.—STRIKES AND LOCK-OUTS.
IV.—GENERAL QUESTIONS.

I.—INTRODUCTORY.

1. Will you state the business or businesses in which your firm is engaged, and where its works are situated?	Jute manufacturing; Rishra near Serampore.
2. What number of workpeople are there engaged in your firm, particularised as follows?—	
(*a.*) Male.	3,059
(*b.*) Female.	860
	3,919
(*c.*) Apprentices or other learners or young persons.	None.
(*d.*) Unskilled labourers.	None.
3. Is your firm connected with any organisation of employers dealing with labour questions?	The Indian Jute Manufacturers' Association.

II.—Wages, Hours, and Conditions of Labour.

	Questions.	*Answers.*
	What representations or information do you desire to offer for the consideration of the Commission under any of the following heads?—	
	(*a.*) Their amount and fluctuations.	Nil.
	(*b.*) Mode of payment—	
	(1.) By the hour, day, or week.	Weekly and monthly.
	(2.) By the piece.	Piece-work.
	(3.) By the task.	Nil.
	(*c.*) Payment through sub-contractor.	Nil.
	(*d.*) Deductions by fines or other forms of stoppage.	Deducted fines for bad work.
	(*e.*) Truck or payment in kind.	Nil.
	(*f.*) Allowances in form of—	
	(1.) Bonus.	Bonus.
	(2.) Deferred pay, such as sick, accident, pension, or other insurance system.	Accidents only.
	(3.) Free house, land, food, clothing, or other allowance of advantage.	Nil.
	(*g.*) Length of notice for ending engagement.	For monthly hands 15 days, weekly hands 3 days.
Hours of labour.	(*a.*) Ordinary or standard hours of labour.	Standard hours of labour.
	(*b.*) Overtime and its remuneration.	By hours, and a quarter hour added to each hour.
	(*c.*) Night shifts and their remuneration.	Nil.
	(*d.*) Sunday work and its remuneration.	Ten hours a day.
	(*e.*) Weekly half-holiday or other holiday with or without payment.	Weekly half-holiday with payment and holiday without payment.
Conditions of labour.	(*a.*) Irregularity of employment through seasonal or other causes.	Nil.
	(*b.*) Safety of employment, and the lighting, sanitation, and inspection of work-places.	In order.
	(*c.*) Compensation for accidents.	Allowed.
	(*d.*) Subdivision of labour as between different trades.	Nil.
	(*e.*) Distribution of labour as between factories, workshops, and homes.	Nil.
	(*f.*) Distribution of labour as between men, women, and children.	Men and women 11 hours, and boys 6¾ hours.
	(*g.*) Apprenticeship.	Nil.
	(*h.*) Employment of foreigners.	
	(*i.*) Introduction of labour-saving machinery.	
	(*j.*) Supply and quality of materials, machinery, or other plant.	
	(*k.*) Dismissal of representative delegates, refusal of unionists to work with non-unionists, use of black list, and mutual relations of employers and trade-unions generally.	
	(*l.*) Other causes of dispute.	

III.—Strikes and Lock-outs.

1.	Can you state how many strikes and lock-outs there have been in connexion with your works in each of the 10 years 1881–1890, and in the current year up to date?	None.
2.	Have such disputes been, during that period, more frequent than formerly, or less so?	No.
3.	Can you enumerate the important disputes and furnish particulars in regard to each such dispute under the following heads?—	Had no occasion for such.
	(*a.*) Date of commencement and termination.	Nil.
	(*b.*) The chief immediate causes of each such dispute.	No dispute.
	(*c.*) Number of workers in your employment directly engaged in each dispute.	None.
	(*d.*) Number of persons in your employment who have been thrown out of work thereby, but who have not been directly engaged in the dispute.	None.
	(*e.*) Attitude of associated employers towards the dispute.	None.
	(*f.*) Mode of settlement.	Had no such settlement.
	(*g.*) advance or reduction of wages or other result of each dispute.	Nil.
	(*h.*) Estimated loss to firm, direct or indirect, occasioned by dispute.	Nil.

IV.—General Questions.

1.	Does any system exist in your trade in your district providing for conciliation, arbitration, sliding scales, or other means of preventing or arranging trade disputes?	None.
2.	Has any system of co-operative production, industrial partnership, or profit-sharing been attempted by your firm, and, if so, with what results?	Nil.
3.	Are the Government or local authorities employers of labour in your trade and district, and if so, with what results as to remuneration and other conditions of employment?	Nil.

Questions.

4. Can you supply information as to any agency in your district for finding or providing work for the unemployed?
5. Have you any suggestions to make as to the statistical and other information relating to your trade which is, or, in your opinion, should be, collected and published by Government?
6. Can you suggest any means of avoiding or arranging strikes and promoting cordial relations between capital and labour?
7. Have you any other statement or suggestion to make for the information of the Commission?

Answers.

To provide necessaries and kind treatment towards labourers.

Nil.

p.p. BIRKMYRE BROTHERS,
?
(Signature illegible.)

Dated Calcutta, the 17th June 1892.

From the PROPRIETORS, Howrah Hydraulic Press, to the OFFICIATING UNDER-SECRETARY to the GOVERNMENT of BENGAL, General Department.

We have pleasure in giving you the following answers to the questions put by the Royal Commission on Labour, issued as per your circular No. 14 of 17 May 1892.

I.—INTRODUCTORY.

1. Baling jute, cotton, hemp, &c. Works are situated in Howrah.

2.—(*a.*) Fourteen workpeople, all males.
(*c.*) No apprentices.
(*d.*) Seven unskilled labourers.

Wages. 3. No.

II.—WAGES, HOURS, AND CONDITIONS OF LABOUR.

(*a.*) From Rs. 8 to Rs. 22.
(*b.*) Per mensem.
(*c.*) to (*e.*) No.

Hours of labour. (*f.*) Allowance for overtime, sickness, and accidents.
(*g.*) One month's notice.

(*a.*) Nine hours.
(*b.*) Per hour.
(*c.*) None.
(*d.*) Extra day's pay.
(*e.*) None.

Conditions of labour. (*a.*) Regular.
(*b.*) Safe. No artificial light used.
(*c.*) Full pay while laid up.
(*d.*) to (*e.*) Not applicable to us.

III.—STRIKES AND LOCK-OUTS.

We have never had any.

IV.—GENERAL QUESTIONS.

1 to 7. No.

Dated Calcutta, the 27th June 1892.

From BABU SHEWBUX BOGLA, Agent and Secretary, Calcutta Cotton Mills Company, Limited, to the OFFICIATING UNDER SECRETARY to the GOVERNMENT of BENGAL, General Department.

IN compliance with your circular letter, No. 14, of the 17th ultimo, to the address of Messrs. R. G. Palmer and Company, the late agents and secretaries of the Calcutta Cotton Mills Company, Limited, I beg to forward the enclosed set of answers in reply to the questions put by you in the enclosure of your circular order under reply.

I.—INTRODUCTORY.

1. Cotton mill, manufacturing twist or yarn from the raw material. It is situated at Ghoosery, Howrah.

2.—(*a.*) Males, 571.
(*b.*) Females, 264.
(*c.*) Apprentices, &c., Nil.
(*d.*) Unskilled labourers, Nil.

3. No.

II.—WAGES, &c.

(1.) Wages. (*a.*) Average about Rs. 6 per hand.
(*b.*) Payment by the day, by the piece.
(*c.*) Nil.
(*d.*) By fines. Very seldom, amounting almost to nil.
(*e.*) No.
(*f.*)—1. Yes; pay bonus to deserving hands and to encourage workers.
2. Yes; pay for any accident.
3. Yes; lodging only free of charge to heads of departments.

(*g.*) Fifteen days' notice.

(*a.*) Standard hours of labour, nine. (2.) Hours of labour.
(*b.*) If overtime, suitable remuneration at ordinary rate.
(*c.*) Nil.
(*d.*) Nil.
(*e.*) Occasional festivities with and without payment.

(*a.*) Employment throughout the year. (3.) Conditions of labour.
(*b.*) The compound is neat and clean, and is in no way detrimental to sanitation of the workers.
(*c.*) When serious accidents, such as fracture, &c. requiring amputation, &c. or loss or removal of any limb, a monthly gratuity.
(*d.*) Nil.
(*e.*) Nil.
(*f.*) The work is being carried on by shifts; men might relieve women, or boys, girls, or *vice versâ*.
(*g.*) Apprentices are very seldom got appointed, but if or when any, they are not paid until they are placed in service of the company.
(*h.*) European superiors only.
(*i.*) I try to introduce as much as possible.
(*j*) I get my supply from place convenient to me, such as I get Indian goods from India, and English goods from England direct, or through their agents.
(*k.*) The workers being usually and generally of poor illiterate mass of people, they do not mingle themselves with party factions.
(*l.*) I do not interfere so long as my work is done smoothly, and scarcely any is brought to my notice.

III.—STRIKES AND LOCK-OUTS.

1. Nil.
2. Nil.
3. There was none, and I possibly cannot.

IV.

1. Not any that I know of.
2. This is a limited company, the capital being divided in 4,905 shares of Rs. 100 each, and was started in the year 1889, but for some cause or other the company incurred heavy loss, and the managing agency has been transferred to me on the 4th of May last.
3. No.
4. If the factories find it profitable to work longer by shifting hands, then may some of the unemployed be provided for, but so long as the present state of fluctuations of money market do not come to a fixed standard, there is very little chance of working longer, as the present standard hours do not seem to pay well to the mill owners.
5. Nil. The agency coming to hand only a few months, I do not think of making any suggestions.
6. I have none in the mill, and I have no practical experience for making such suggestions.
7. I have none.

SHEWBAX BAGLA,
Managing Agent and Secretary.

27th June 1892.

Dated Calcutta, the 25th June 1892.

From J. C. DUFFUS AND COMPANY, Secretaries, Nasmyth's Patent Press Company, Limited, to the OFFICIATING UNDER SECRETARY TO THE GOVERNMENT OF BENGAL.

IN reply to your circular letter, dated Calcutta, 17th May 1892, we beg to append our replies to the questions which have been put by the Royal Commission on Labour so far as they are applicable to the jute press managed by us.

I.—Introductory.

Our business is that of jute balers and shippers, and our work is carried on at Nasmyth's Press, Ghoosery, Howrah.

2. Our work is seasonal, and lasts from August to March, during which time fully 1,500 workers are employed in connexion with assorting of jute and the packing of same into bales for export purposes. We only select and prepare jute for market, and have nothing to do with the manufacturing of it into fabrics.

3. Our firm is not connected with any organisation of employers dealing with labour; there is no such organisation connected with our branch of this trade.

II.—Wages, Hours, and Conditions of Labour.

Our labour is divided into two classes, viz., mechanics and pressmen, employed in connexion with the working of the steam presses (numbering 100 out of the 1,500 men we employ), and the jute selectors employed in connexion with the preparation and assortment of jute for export. This labour is imported, that is, our workers come in for the season from the mufassal, chiefly from the Benares district. They are most industrious, and work with all their might for the eight months the season lasts. They bring their boys with them, but leave their wives and daughters at home. Their one idea is work. They voluntarily labour from daylight to dark, with short intervals for food and bathing purposes. They ask for no holidays, and only desist working on Sundays by compulsion; mode of payment is by the piece, that is, so much per bale of jute turned out by them, payment being made through sub-contractors. An ordinary "selector" earns six and eight annas per diem, while the best men make about 10 and 12 annas daily. Our workers are under no engagement; they come and go, and work or play as they please. This primitive system of service is greatly to the liking of the class of Hindustanees we employ. When the jute season is over, our workers disperse to their homes, and during our idle season, that is April to July, they see to the cultivation of their rice crops.

III.—Strikes.

Strikes and lock-outs are almost unknown in our trade, and we would remark that the supply of labour is much greater than the demand.

IV.—General Questions.

We have no suggestions to make—all our trade wants is to be let alone. We are glad to add that the present relations betwen labour and capital, so far as we are concerned, are of the most cordial nature.

Dated Calcutta, the 8th July 1892.

From Babu Raj Kumar Surbadhikari, Secretary, British Indian Association, to the Secretary to the Government of Bengal, General Department.

In reply to your letter, No. 1027, dated the 3rd of April last, I have the honour to submit below such information regarding the employment of labour in the preparation of textile fabrics as the committee of the British Indian Association are able to give with reference to the different heads under which information has been invited.

B.

I.—Introductory.

1. The British Indian Association is a political association, but several of its members are large landholders whose tenants work in different jute and cotton and other mills for the manufacture of textile fabrics.

2. * * * * * *

3. * * * * * *

II.—Wages, Hours, and Conditions of Labour.

Wages.

(*a.*) The wages of unskilled labourers vary from Rs. 0-14-6 to Rs. 3 per week according to age and capacity for work.

(*b.*) (1.) The general rule for unskilled labourers is to pay them at the end of the week, or on the last working day of the week, when there is short time work.

(2.) Skilled labourers are usually paid by the piece. They earn fromRs. 5 to Rs. 7 per week.

(3.) The committee are not aware of any labourers being paid by the task.

(*c.*) The committee are not aware of the existence of the system of payment through sub-contractors, but they understand that it is the practice to pay the labourers in the presence of the sardars who recruit the labourers, and are in some measure responsible for their regular attendance.

(*d.*) The wages for the day of the day labourer absenting himself from the mill are usually deducted, as also his wages for long terms of illness.

(*e.*) Payment in kind does not obtain in any of the mills in Bengal.

(*f.*) (1.) The committee know of no instance in which bonus was paid to labourers.

(2.) In cases of sickness or accident most mill managers give the labourers the pay for the time they are disabled from work. In no case is any pension given, nor is there any insurance system that the committee are aware of.

(3.) Free house is provided in some places, but generally labourers attend the mills from their own houses. Free food or clothing are nowhere provided.

(*g.*) There is no binding engagement on the part, either of the employer or employé for the termination of their connexion. A labourer may discontinue to work or be turned out without a day's notice, but in the first case he loses his wages for the days of the week on which he has worked.

Hours of labour.

(*a.*) The usual time for labour is from sunrise to sunset, excepting in the case of boys and girls, who do not work more than nine hours. During this time they get half an hour respite for taking refreshments, and also get spells of time for drinking water, smoking, and satisfying other calls of nature.

(*b.*) Labourers are worked overtime only with their free consent, and they are paid for it extra proportionally at the rates of their usual wages. In many cases they are desirous of getting overtime work, and compete with one another for the same. They are never forced to do such work.

(*c.*) Some mills which require continuous work, from the nature of their business give employment to labourers at night. In such cases it is always a different set of labourers from those who work in the day. The rates of wages for night and day work do not usually vary, but the labourers arrange among themselves to work on alternate nights and days.

(*d.*) Sunday is now a general holiday, but a few hands are usually employed with their free consent on Sundays for a few hours for the purpose of cleaning the machinery.

(*e.*) Labourers get some of the important national holidays.

Conditions of labour.

(*a.*) In most jute mills labourers complain of short time work. They want to work the full time. Short time depends not on the season but on the state of the market.

(*b.*) Every care that could be taken for fencing machinery and preventing accidents and for the lighting, sanitation, and inspection of mills is being taken under sanction of the salutary laws on the subject.

(*c.*) Compensation is always paid for any serious bodily harm by accident.

(*d.*) The committee are not aware of any subdivision of labour as between different trades.

(*e.*) Ditto Ditto.

(*f.*) Mill labour is usually judiciously distributed as between men, women, and children according to their capabilities.

(*g.*) Apprenticeship is unknown in Bengal mills.

(*h.*) Foreigners are usually employed as managers, assistants, or mechanics, but never as labourers, &c. They never seek for work as operatives.

(*i.*) The committee cannot give any information on this head.

(*j.*) The machinery is always got out from the United Kingdom and other foreign countries.

(*k.*) Ditto Ditto.

(*l.*) There is usually the greatest good feeling between labourers and their masters.

III.—Strikes and Lock-outs.

The only information which the committee can give is that strikes are extremely rare among mill labourers in this country. They doubt whether there has been a single strike in Bengal since 1880.

IV.—General Questions.

There is no system of co-operative production or industrial partnership in this country. Government gives employment to labourers in the Ordnance Foundry and other places of work on the very same terms as other employers. There is no agency for finding work for the unemployed, but when a man or boy wants to work in a mill he applies either direct to the manager or to a neighbour of his, who has been working in the mill for some time.

No information need be given under head C, as it would be simply a repetition of the information given above.

No. 2410, dated Naina Tal, the 29th August 1892.

From J. D. LaTouche, Esq., Chief Secretary to Government, North-Western Provinces and Oudh, General Department, to the Secretary to the Government of India, Home Department.

I am directed to acknowledge the receipt of your letter No. $\frac{6}{371}$, dated 14th March, and in reply to state that the Director of Land Records and Agriculture of these Provinces was instructed to draw up, in consultation with the Chamber of Commerce of Upper India, a memorandum setting forth the information concerning the condition of labour in the textile trades of these Provinces, which it was the object of the questions of the Royal Commission on Labour to elicit.

2. I am now to forward for the information of his Excellency the Governor-General in Council, copy of a letter No. $\frac{T.\ G.}{168}$, dated 6th July 1892, from the Director of Land Records and Agriculture, giving cover to his memorandum and to the replies from the leading manufacturers to the questions addressed to employers.

No. $\frac{T.\ G.}{168}$, dated Naini Tal, the 6th July 1892.

From J. O. Miller, Esq., Director of Land Records and Agriculture, North-Western Provinces and Oudh, to the Chief Secretary to Government, North-Western Provinces and Oudh.

I have the honour to acknowledge the receipt of your endorsement, No. $\frac{689}{\text{III.—423 B.}}$, dated the 23rd March 1892, which directed me to draw up, in consultation with the Upper India Chamber of Commerce, the memorandum called for by the Government of India in the Home Department's letter No. $\frac{6}{371}$, dated 14th March, on the condition of labour in the textile trades of these Provinces.

2. The secretary to the Chamber of Commerce was at first of opinion that most of the questions of the Royal Commission on Labour were unsuited to the conditions existing in these Provinces, but subsequently the Chamber forwarded the series of "Questions addressed to Employers" to a number of the leading manufacturers, whose replies have been received under cover of the secretary's letter, dated the 25th June 1892, a copy of which is herewith enclosed. The replies received are forwarded in original, with the exception of those made by Delhi Cotton Mills Company, which are not sent, since it appears from the correspondence that they have already been despatched to the Government of the Punjab. The Government of India desire to receive these replies as well as the memorandum.

3. There are no trades unions in these Provinces to whom the questions drawn up by the Royal Commission could be sent; but the evidence taken by the Factory Commission in 1890 supplies information on some of the subjects from the operatives' point of view. Nor are there any employers' associations for the special purpose of dealing with labour questions. The Upper India Chamber of Commerce is not, I think, an employer's association in the sense in which the term is used by the Royal Commission.

4. In the memorandum required by the Government of India the syllabus drawn up by the Royal Commission as a convenient summary of the subjects to be inquired into by committees has been followed, and its adoption as the basis of report gives immediate prominence to a difficulty in furnishing the information in a shape that will serve the purposes of the Royal Commission. The syllabus is headed "Trade differences between employers and employed," and the whole of the information supplied should be in a form to show clearly the effect of the conditions of labour as described under each head of the syllabus in causing or preventing trade differences. But in these Provinces trade differences in the sense in which that term is used in Europe are unknown. It is not of course intended that employers and employed have always been in perfect harmony on the subject of the rate of wages and other conditions of labour. But any disputes there may have been, have been of a private and unimportant character, and definite information regarding them is therefore wanting; disputes involving a concerted and organised struggle on a large scale between labour and capital are fortunately unknown as yet; and until such disputes arise; any conclusions as to the effect of the existing conditions of labour in promoting or preventing them must be more or less speculative.

5. It appears from the answers now received that in most manufacturing centres the operatives have no difficulty in finding employment; while the manufacturers have often much trouble in securing workmen. The feeling of employers on the subject finds expression in the answers that a few of them have given to the question as to the existence of any society in their neighbourhood for the purpose of finding work for the unemployed. The operatives, on the other hand, if one may judge by the answers given to the Factory Commission, are under the impression that their places could easily be filled if they were dismissed, and though they may complain of the strictness of discipline in the mills, which is by no means congenial to their habits, they evidently set a high value on their position as employés and have no wish to lose it. While these continue to be the feelings of employers and employed, there is obviously little necessity for organised action on the part of workmen to protect their interests against their employers.

6. A consideration of the wages paid goes to show that the employers are right, and that in the present stage of the manufacturing industry in these Provinces the supply of labour is not sufficient to allow the manufacturers, even if they were disposed, to keep wages low. The earnings of the mill hands have to be placed sufficiently high to attract labourers from their hereditary occupations, and to reconcile them to novel conditions of work. An unskilled labourer can earn more than a messenger in a Government office; a labourer of ordinary skill, a weaver, for instance, obtains more than the average pay of an official with the education and responsibilities of a village accountant.

7. One other remark requires to be made in explanation of the memorandum. The questions circulated by the Royal Commission appear suited to more methodical and definite arrangements than have yet been introduced here. Much is done that is not provided for by the rules. There is no definite system of bonuses, but they are often given; there are no rules for pensions, but some light employment is often found for old operatives; the employers do not recognise their liability in the case of accidents caused by the fault of workmen, but they pay wages (generally full wages) while the injured person remains in hospital. So also in the case of holidays and hours of labour, the information given is incomplete without some notice of the ease with which leave of absence is given, and the frequent rests allowed to individual workpeople. The memorandum might be misleading by itself, and I think it is advisable that the answers of employers should accompany it in original.

Memorandum on the Conditions of Labour in the Textile Trades of these Provinces with reference to the Syllabus of the Subjects to be inquired into by the Committees of the Royal Commission on Labour.

Trade Differences between Employers and Employed.

I.—Their Causes.

A.—*Wages.*

(1.) *How fixed.*

There is no instance on record in which the fixation of wages has been the cause of anything that can be dignified by the name of a trade difference. Most of the employers consulted state that there never have been any serious disputes, or else are silent on the subject. The answer given by the Cawnpore Woollen Mills Company to question III. (1.) illustrates very clearly the nature and extent of such disputes as do arise and may be repeated here :—

"No general strike or lock-out has ever occurred. There have been mild instances of labour disputes con-

sequent on the introduction of revised scales of wages in certain departments, but the trouble has never reached an acute stage. Such disputes have always been traceable to the influence of mischievous workers in the *rôle* of ringleaders. In starting a new department or new class of work it is impossible to fix with certainty a scale of payments that shall secure to the workmen a fair wage in comparison with that earned in other departments. Occasionally after a few months' experience the provisional scale originally fixed is proved to be too high, and naturally any attempt to reduce the prevailing rates is at first resisted. A few days generally suffice, however, to prove the reasonableness of the company's position, and all real difficulty and friction disappear. The number of persons affected has never been over 100."

The rates of wages, as far as ascertained, are given under No. (5). None of the employers now consulted, and none of the operatives examined by the Factory Commission refer to any special system for fixing wages.

(2.) *How calculated.*

(*a.*) *By Piece-work.*

(*b.*) *By Day-work.*

(*c.*) *By Task-work.*

Engineers, messengers, guards, and such employés receive usually a regular monthly wage; in some cases the calculation is made on a daily wage. Payment by piece-work is largely resorted to, and is, I understand, introduced wherever possible. In the Cawnpore Cotton Mills all employés, except coolies and engineers, are so paid. Payment by task-work, as opposed to payment by piece-work, is unknown.

(3.) *How paid.*

(*a.*) *Direct by Employer or by Sub-Contractor.*

Wages are almost invariably paid to the employé. The Woollen Mills Company, Cawnpore, report that they pay a few bobbin-winders through a sub-contractor, and that is the only case noted in the replies in which the intervention of a sub-contractor is allowed.

(*b.*) *Weekly, Fortnightly, or at other Periods.*

Wages are usually paid monthly. A certain portion of the wage earned being kept in reserve. The Woollen Mills Company, Cawnpore, pay their male operatives monthly, 17 days' wages being kept in hand, and their female operatives weekly, four days' wages being kept in hand.

(*c.*) *Increased by Bonus or reduced by Stoppages.*

Bonuses are not given to the establishments as a whole, but the native heads of the principal departments in large manufactories frequently receive them. The Delhi Cotton Mills Company estimate that their head foremen get about Rs. 10 per month as bonus in addition to their pay.

A system of small fines for bad work, absence without leave, or wilful damage to machinery or property, is in force in most, if not in all, manufactories, but there are no other stoppages. In some mills the fines are credited to a fund for the benefit of long service workmen. In the evidence given before the Factory Commission mention was made of deductions on account of conservancy charges of from one pice to one anna per month; but these appear to be rather contributions made on their own account by the employés to pay water-carriers or sweepers than stoppages made by the employers.

(*d.*) *Truck or payment in kind is believed to be unknown.*

(*e.*) *House, Land, or other Allowances.*

Watchmen and messengers are frequently, if not always, provided with free quarters and with uniform. The Egerton Woollen Mills Company provide free houses for 60 of their hands, and the Delhi Cotton Mills similarly provide for some of their best workmen.

(4.) *Fluctuations of Wages.*

(*a.*) *How brought about.*

(*b.*) *How adjusted.*

There are no very marked fluctuations of wages, and no method of adjusting them has been found necessary. Wages are stated to be slowly but steadily rising.

(5.) *Difference of Wages in different Establishments and Localities.*

At the Egerton Woollen Mills wages range from Rs. 5 to Rs. 45 per month. At the Woollen Mills, Cawnpore, skilled workmen are said to make on an average from Rs. 7 to Rs. 8, and unskilled workmen from Rs. 5 to Rs. 6.8; foremen get from Rs. 15 to Rs. 50, and mechanics from Rs. 9. to Rs. 25. The Delhi Cotton Mill give their head mechanics Rs. 60, while other employés get Rs. 10.8, Rs. 9, Rs. 7.8.

In the spinning department of the Agra Weaving Mills the average earnings are put at Rs. 5.12, the average being reduced by the low earnings by boys of Rs. 3 per month. In the engine department the average is about Rs. 10 per month.

The evidence given before the Factory Commission is to much the same effect. Weavers earn from Rs. 10 to Rs. 15 per month, and unskilled labourers from Rs. 7 to Rs. 8.

The adult females examined by the Commission stated that they earned from Rs. 3.4 to Rs. 6 per month; but their answers do not appear to be very accurate. Boys earn from Rs. 3 to Rs. 3.8; very young boys used sometimes to get Rs. 2; but the last Factory Act is understood to have diminished the number of children employed, and in some cases has led the manufacturers to decline to employ any children.

(6.) *Sunday and Holiday Labour, how arranged and paid for.*

It has always been the practice to give a holiday on Sundays, and under section 5 B. of Act XI. of 1891, Sunday work has been prohibited, except under special circumstances. The employment of mechanics or labourers to examine or repair machinery is allowed, and this permission is in accordance with the previous practice of the mills.

As regards holidays the practice differs. At the Egerton Woollen Mills weekly half holidays are given, and six other holidays yearly. The Cawnpore Woollen Mills give quarter holidays on Saturdays; and it is not uncommon for mills to close at an early hour on that day. On native festivals holidays are given. Muhammadans are allowed to absent themselves while the mills continue working; on Hindu festivals some of the mills close.

In regard to payment the general rule is that persons paid by the month receive full pay. Piece-workers, of course, cannot be paid. In addition to the holidays there is no great difficulty about workmen getting leave of absence when they require it. In such cases, of course, no pay is given.

(7.) *Duration of Day's Work and Week's Work, and how regulated.*

According to the Indian Factory Commission's Report (paragraph 13) it is the rule for nearly all Indian factories to work from daylight to dusk. The extreme limit is 14 hours: that is, from 5 a.m. to 7 p.m. in summer, but few, if any, of the mills in these provinces work so long. In Cawnpore the hour of commencing is 6 a.m. or 7 a.m., according to the season.

In the Egerton Woollen Mills the average working time is 10 hours a day; in the Cawnpore Woollen Mills, 10½ hours; in the Delhi Cotton Mills, 13 hours; in the Agra Spinning Mills, 11 to 12 hours; in the Muir Mills, 12 hours for men; in the Cawnpore Cotton Mills, 11 hours. In some mills an hour is allowed, and in others half an hour, for dinner. Under section 5 of the Factory Act the stoppage of work for half an hour is compulsory. In the case of men there are no other statutory restrictions on their employment.

Under section 6 of the Factory Act women are not allowed to be employed before 5 a.m. or after 8 p.m., nor can they be actually employed in any day for over 11 hours. If employed for 11 hours they are entitled to an interval or intervals of rest amounting to at least an hour and a half in the day.

Under section 7 of the Factory Act the employment of children under nine years of age is prohibited, and children under 14 cannot be employed for more than seven hours.

In their evidence before the Factory Commission several of the operatives refer to the practice of leaving the mills for short intervals of ten minutes or so to drink water or for other purposes. Such short rests are, of course, included in the working hours.

The week's work ordinarily lasts for six days with, in most cases, an early stoppage on Saturdays.

C.—*Subdivision, distribution, and classification of Work as between different trades, individuals, men, workmen or children, whether half-timers or not, factories, workshops, or homes.*

The subdivision and classification of work as between different trades has probably reference to a more highly organized industrial community than is to be found in this part of India.

Women are employed chiefly on hand labour and on light work. Wool-picking and yarn-winding are specified as amongst the branches of work made over to them.

The Factory Commission were of opinion that the imposition of excessive restrictions on female labour would lead to men being employed even in those departments of work that are at present made over to women. Children, if employed at all, are employed on very light work, and in section 8 of the Factory Act their employment on dangerous work is prohibited.

D.—*Apprenticeships.*

The Muir Mills Company state that they sometimes employ apprentices, but most of the manufacturers consulted state that they have none, or that they consider the question on the subject inapplicable. The Factory Commission found that boys were occasionally entertained at a nominal pay till they became useful. But there is no trace anywhere of any definite arrangements for apprentices.

E.—*Introduction of Machinery.*

All the mills use machinery, but the matter intended to be dealt with under this head is doubtless the effect of the introduction of machinery in causing trade disputes. If so there is nothing to be said, as there is no information of any disputes having ever been caused in this way.

F.—*Supply and quality of the Machinery and materials of production or transport.*

The machinery is usually, if not always, of English manufacture. Other materials are purchased locally if they can be obtained of good quality.

G.—*Safety of employment, lighting, sanitation and inspection of workplaces.*

To ensure safety of employment, factories are subject to visits from Inspectors, who are in these Provinces Magistrates of districts, except in Cawnpore, where the Inspector is the District Superintendent of Police. The Local Government is empowered to make rules for the fencing of machinery, the ventilation and sanitation of factories and the prevention of overcrowding. The Egerton Woollen Mills retain the services of a special medical practitioner who supervises the sanitation of the establishment, and in all the factories necessary precautions are taken. Most, if not all, maintain a hospital for the benefit of their employés. As the factories usually work by daylight only, the question of lighting is not of much importance, but several factories are provided with the electric light.

When employés are injured by their own fault they are generally allowed full pay when in hospital; and if permanently incapacitated for hard labour some sinecure is found for them.

H.—*Discharge for belonging to a Trades' Union.*

The subject is inapplicable to the conditions of these Provinces.

I.—*Refusal to work with non-unionists.*
J.—*Discharge of representative delegates and use of black list.*
K.—*Employment of foreigners.*
L.—*Obnoxious officials.*
M.—*Sympathetic strikes.*
N.—*Other causes of dispute.*

} All these subjects are inapplicable.

II.—The Development, Organisation, and Conduct of Trade Differences.

III.—Their Cost.

IV.—Their Prevention or Settlement.

In the absence of organised trade differences all these subjects are inapplicable.

J. O. MILLER,
Director of Land Records and Agriculture, North-Western Provinces and Oudh.

Dated the 25th June 1892.

From the Secretary, Upper India Chamber of Commerce, Cawnpore, to the Director of Land Records and Agriculture, North-Western Provinces and Oudh.

With further reference to your No. $\frac{G.}{1653}$ of 7th May, I have now the pleasure to hand you, in original, the replies to the questions asked, concerning the conditions of labour in the textile trades in these Provinces by the following manufacturers, viz.:—

The Muir Mills Company, Limited, Cawnpore.
The Cotton Mills Company, Limited, Cawnpore.
The Elgin Mills Company, Limited, Cawnpore.
The Delhi Cotton Mills Company, Limited, Delhi.
The New Egerton Mills Company, Limited, Dhariwal.
The Woollen Mills Company, Limited, Cawnpore.
The Agra Spinning and Weaving Company, Limited, Agra.

These compose all the textile factories of importance in the North-Western Provinces and Oudh and the Punjab, except a native-owned cotton mill at Delhi, the Victoria Cotton Mills at Cawnpore and the North-Western Provinces' Jute Mills; from the latter the Chamber expects to receive replies to the questions asked as soon as the Manager returns to Cawnpore: he is now on leave.

Questions addressed to Employers by the Royal Commission on Labour.

Questions.	Muir Mills Company, Limited, Cawnpore.	Cawnpore Cotton Mills Company, Limited.	Elgin Mills Company, Cawnpore.	New Egerton Woollen Mills Company, Limited, Dhariwal, Punjab.	Cawnpore Woollen Mills Company, Limited, Cawnpore.	Agra Spinning and Weaving Mills Company, Limited, Agra.
B.—QUESTIONS ADDRESSED TO EMPLOYERS.						
I.—Introductory.						
II.—Wages, Hours and Conditions of Labour.						
III.—Strikes and Lock-outs.						
IV.—General Questions.						
I.—Introductory.						
1. Will you state the business or businesses in which your firm is engaged, and where its works are situated?	Cotton spinning and weaving, Cawnpore; known as the Muir Mills.	Manufacture of cotton yarns, cloth, tents, &c. The *mills* are in Couperganj, Cawnpore.	Cotton spinning and weaving at Cawnpore.	Spinners and manufacturers of woollen, worsted and hosiery; works situated at Dhariwal in the district of Gurdaspur, Punjab.	The Cawnpore Woollen Mills Company, Limited, is engaged in the manufacture of woollen, worsted, and hosiery materials of all descriptions, and is situated at Cawnpore, North-Western Provinces, India.	

QUESTIONS ADDRESSED TO EMPLOYERS BY THE ROYAL COMMISSION ON LABOUR—*continued.*

Questions.	Muir Mills Company, Limited, Cawnpore.	Cawnpore Cotton Mills Company, Limited.	Elgin Mills Company, Cawnpore.	New Egerton Woollen Mills Company, Limited, Dhariwal, Punjab.	Cawnpore Woollen Mills Company, Limited, Cawnpore.	Agra Spinning and Weaving Mills Company, Limited, Agra.
I.—INTRODUCTORY—*continued.*						
2. What number of workpeople are there engaged in your firm, particularised as follows?—						
a. Male	Male - 1,795	614	947	540	1,216	358
b. Female	Female - 91	125	88	80	150	72
c. Apprentices or other learners or young persons.	—	90	71	Question inapplicable; "young person" is not designated in Indian Factory Act.	None.	40
d. Unskilled labourers.	—	66	—	Question inapplicable.	65	20
		Total - 895	Total - 1,106	-	Total - 1,431	Total - 490
3. Is your firm connected with any organisation of employers dealing with labour questions?	No.	No.	No.	No.	--	No.
II.—WAGES, HOURS AND CONDITIONS OF LABOUR.						
What representations or information do you desire to offer for the consideration of the Commission under any of the following heads?—						
1. *Wages*— *a.* Their amount and fluctuations.	Wages are high, and the tendency is to rise. In consequence of high wages frequent absences are common.	In engineer's department, where no boy labour is used, the average wage is Rs. 8-12-0 per mensem, and varies from Rs. 30 to Rs. 6, from head mistry to fireman; average is lowest where boy labour is used as in spinning and weaving departments; average pay is Rs. 5-3-0 per mensem, and ranges from Rs. 35 (*mistries*) to Rs. 2-8-0 for boys.	—	The following are the wages, hours and conditions, &c. existing in our works:— Amount from about Rs. 5 to Rs. 45 per month; fluctuations in the case of time-workers occur only through irregular attendance, chiefly on the part of female employés.	For skilled workmen wages range from Rs. 7 to Rs. 12 per month on the average, and for unskilled workmen from Rs. 5 to Rs. 6-8-0 per month. Wages do not fluctuate, but are steadily, though slowly on the increase. Foremen and leading hands get Rs. 15 to Rs. 50 per month; mechanics in engineering department, Rs. 9 to Rs. 25 per month.	Engine department.—The average pay is Rs. 10 per month, which is the highest, varying from Rs. 13 to Rs. 5. In spinning department, the average is lowest, say Rs. 5-12-0, ranging from Rs. 70 to Rs. 3 per month.
b. Mode of payment. (1) By the hour, day, or week.	By month.	Coolie labour and engineer's department are paid by the month.	—	—	Men are paid per day. Payments are made monthly, 17 days' wages being kept in hand. Women are paid per day. Payments are made weekly, four days' wages being kept in hand.	By the month. Engine, mechanic, canal and mixing, blowing, carding, spinning, bundling, baling, and chaprassis, &c. are paid by the month.
(2) By the piece.	Also by piece.	All except coolies and engineer's department are paid by piecework, *i.e.*, a given rate for a certain weight or length turned off the machines.	—	All modes in practice.	Some workers are paid by the piece. Payments are made monthly, 17 days' wages being kept in hand.	Frames and reeling departments are paid by piecework, *i.e.*, upon a given rate for a certain weight or length turned off the machines.
(3) By the task.	No.	—	—	Ditto	Not applicable	—
c. Payment through subcontractor.	No.	—	We have no subcontractors.	None.	Only a few bobbin-winders so paid.	—
d. Deductions by fines or other forms of stoppage.	By fines.	Small fines for bad work or absence without leave are sometimes inflicted except satisfactory explanations are given.	Fines are enforced for careless work and for absence without leave.	Fines of small amounts imposed in cases of destruction of goods or property wantonly or through carelessness only. No other form of stoppage in force.	No stoppages or fines imposed except for bad work, and for wilfully damaging property; the latter unfortunately not an uncommon occurrence. These fines are credited to a fund for the benefit of long service employés, &c.	Such fines for bad work or being absent without leave.
e. Truck, or payment in kind.	No.	—	Nothing of this sort is done.	No such system.	None.	—

QUESTIONS ADDRESSED TO EMPLOYERS BY THE ROYAL COMMISSION ON LABOUR—*continued*.

Questions.	Muir Mills Company, Limited, Cawnpore.	Cawnpore Cotton Mills Company, Limited.	Elgin Mills Company, Cawnpore.	New Egerton Woollen Mills Company, Limited, Dhariwal, Punjab.	Cawnpore Woollen Mills Company, Limited, Cawnpore.	Agra Spinning and Weaving Mills Company, Limited, Agra.
II.—WAGES, HOURS AND CONDITIONS OF LABOUR—(*continued*).						
f. Allowances in form of—						
(1) Bonus	Occasionally.	—	A bonus is given for excess production over a given standard, and a small gratuity is given to boys who work regularly without being absent.	Frequently given.	Native heads of principal departments receive bonus on outturn.	
(2) Deferred pay, such as sick, accident, pension, or other insurance system.	No.	Full pay is always given when an employé is off work through an accident, provided they attend hospital for medical treatment, and, if permanently injured, light work is found for them.	No deferred pay, but in case of a man being injured by accident his pay is given him so long as he remains in hospital, or should his case be a deserving one and he be permanently injured, some provision or light work is made for him. We have several men as pensioners through old age, &c.	None.	No system of insurance exists. The company do not consider practicable any scheme calling for contributions on the part of its employés. The fund referred to in "*d.*" *supra* is regarded as a provision for sickness or accident as well as a superannuation fund.	Full pay is given when off work through an accident, providing they attend hospital; and in case of permanently hurt, light work is found for them.
(3) Free house, land, food, clothing, or other allowance or advantage.	No.	Free house and clothing (uniform) are given to chaprassis only.	None.	60 hands in connexion with works have free houses; no other allowances or advantages of this nature.	No free quarters provided except for watchmen and messengers, who are also provided with uniforms free.	Clothing uniform is given to the chaukidars and peons.
g. Length of notice for ending engagement.	15 days.	15 days.	One month.	15 days.	15 days' notice as from 1st or 16th of month required for ending engagement. Employés leaving without notice forfeit all unpaid wages to the fund mentioned in "*d.*" *supra*.	One month.
Hours of labour— *a.* Ordinary or standard hours of labour.	12 hours for men.	11 hours, with half an hour's stoppage at midday and two hours on Saturday evenings for cleaning machinery.	In accordance with Factory Act.	Average 10 hours per day.	Longest day in summer 5.30 a.m. to 6.30 p.m. Shortest day in winter 7 a.m. to 5 p.m. (Average working day 10½ hours.) One hour's interval at noon (12 to 1) allowed to men, and 1½ hour to women (11.30 to 1).	11 to 12 hours per day with half an hour's stoppage at noon (women working 11 hours only).
b. Overtime and its remuneration.	In proportion to pay.	When it is necessary to work by electric light to make up the 11 hours in short days, extra pay, proportionate to ordinary pay, is given to monthly servants.	Overtime is paid for.	Overtime worked only occasionally and as a rule on special remuneration.	Occasional. Paid for at same rates as ordinary time.	In short days one or two hours are worked by electric light, and extra pay proportionate to the ordinary pay is given.
c. Night-shifts and their remuneration.	None.	None.	None.	No night shift worked.	Night shifts not practised.	None.
d. Sunday work and its remuneration.	None.	None, except a few in engineer's department to do necessary repairs to engines, boilers, &c.	None.	None.	No Sunday work, except for repairing machinery and such like. Paid for at same rates as week days.	None, except a few to do necessary repairs.
e. Weekly half-holiday or other holiday with or without payment.	Sunday. Whole holiday.	Every Sunday and Hindu holidays. Muhammadans are granted leave on their holidays, but mills do not stop.	All Sundays and native festivals are holidays without payment.	A weekly half-holiday is given with payment in the case of time-workers. There are on an average six other holidays yearly.	Quarter holiday on Saturday. Full day paid for.	Every Sunday and most of the standard Hindu holidays. Muhammadans are granted their holidays, though mills do not stop.
Conditions of labour.						
a. Irregularity of employment through seasonal and other causes.	Employment regular, but attendance irregular, caused by native habits, customs, and high wages.	Employment regular.	Employment is regular in a cotton mill.	Employment fairly regular at all seasons.	No irregularity of employment, but irregularity of attendance is quite common and very troublesome. The rate of pay is so high that the hands do not need to work full time to keep themselves and families in comfort; and it is not the native custom to do anything systematically and methodically.	Regular employment.

QUESTIONS ADDRESSED TO EMPLOYERS BY THE ROYAL COMMISSION ON LABOUR—*continued.*

Questions.	Muir Mills Company, Limited, Cawnpore.	Cawnpore Cotton Mills Company, Limited.	Elgin Mills Company, Cawnpore.	New Egerton Woollen Mills Company, Limited, Dhariwal, Punjab.	Cawnpore Woollen Mills Company, Limited, Cawnpore.	Agra Spinning and Weaving Mills Company, Limited, Agra.
II.—WAGES, HOURS AND CONDITIONS OF LABOUR—(*continued*).						
b. Safety of employment, and the lighting, sanitation, and inspection of workplaces.	Sanitation and surrounding better than their own houses.	All necessary precautions are taken as required by new Factory Act.	All dangerous machinery is guarded. Lighting is electric. Sanitation is carefully looked after.	Perfectly safe; lighting and sanitation as perfect as possible; the latter under the supervision of a certified medical practitioner employed exclusively by the company.	All dangerous machinery is properly fenced. The work is healthy and without risk, ordinary care being observed. The buildings are clean, well-lighted and ventilated (every room measures 16′ × 14′ from floor to ceiling). There is a thorough system of sanitation, and a plentiful supply of good drinking water. Lighting is by electricity.	According to the requirements of the new Factory Act.
c. Compensation for accidents.	Half-pay while unfit to work.	None beyond what is given on page 3, section 2, paragraph *f.*	See answer *f.* (2).	Allows when accident occurs through fault of employer.	Few accidents occur. Could these be traceable in any degree to fault of the company, compensation would be given. Where actual disablement, such as loss of limb, ensues, however, a sinecure is always found for the sufferer. There are two such employés at present. Full pay given while absent through accident, whether worker is to blame or not.	None, beyond what is given on page 2, *vide* paragraph 2.
d. Subdivision of labour as between different trades.	Various.	—	—	Question inapplicable.	Not applicable.	—
e. Distribution of labour as between factories, workshops and homes.	None.	—	All work is done inside the factory.	Work mainly performed within the works, but certain kinds are regularly done in their homes.	Not applicable; no home work.	—
f. Distribution of labour as between men, women, and children.	Women only employed in reeling; children only employed in winding and doffing.	Women are employed only on hand labour, not on steam power machinery; boys on light work, such as ring and mill spinning.	—	Carding, weaving, milling, dyeing, finishing, knitting, labouring, &c., done by men. Wool-picking and yarn-winding by hand done by women. Spinning and yarn-winding by machinery and hand done by boys.	No children (*i.e.*, persons under 14) are employed, it being considered impracticable to entertain half-timers. Women pick wool and wind yarn. All other work is performed by men.	Women are only employed on hand labour, and boys on very light work.
g. Apprenticeship.	Occasionally.	—	—	Question inapplicable.	No apprenticeship. A boy receives pay from the first day of his employment, and his advancement depends entirely on his ability.	None.
h. Employment of foreigners.	Persons from other provinces, yes.	—	—	Question inapplicable.	Not applicable.	—
i. Introduction of labour-saving machinery.	Yes, if any benefit by doing so.	All English machinery.	—	Done wherever possible.	All known labour-saving machinery used.	All English machinery.
j. Supply and quality o materials, machinery or other plant.	Good.	Good.	—	Satisfactory.	All supplies procurable in country used if of satisfactory quality, otherwise imported. Machinery all imported from England.	Good.
k. Dismissal of representative delegates, refusal of unionists to work with non-unionists, use of black list, and mutual relations of employers and trade unions generally.	—	—	—	Question inapplicable.	Not applicable.	—
l. Other causes of dispute.	—	—	—	—	Not applicable.	None.

QUESTIONS ADDRESSED TO EMPLOYERS BY THE ROYAL COMMISSION ON LABOUR—*continued.*

Questions.	Muir Mills Company, Limited, Cawnpore.	Cawnpore Cotton Mills Company, Limited.	Elgin Mills Company, Cawnpore.	New Egerton Woollen Mills Company, Limited, Dhariwal, Punjab.	Cawnpore Woollen Mills Company, Limited, Cawnpore.	Agra Spinning and Weaving Mills Company, Limited, Agra.
III.—STRIKES AND LOCK-OUTS.						
1. Can you state how many strikes and lock-outs there have been in connexion with your works in each of the ten years 1881–1890 and in the current year up to date?	—	None.	None worth mentioning.	There have been no strikes or lock-outs.	No general strike or lock-out has ever occurred. There have been mild instances of wages disputes consequent on the introduction of revised scales of wages in certain departments, but the trouble has never reached an acute stage. Such disputes have always been traceable to the influence of mischievous workers in the *rôle* of ring-leaders. In starting a new department or new class of work it is impossible to fix with certainty a scale of payments that shall secure to the workmen a fair wage in comparison with that earned in other departments. Occasionally, after a few months' experience, the provisional scale originally fixed is proved to be too high, and, naturally any attempt to reduce the prevailing rates is at first resisted. A few days generally suffice, however, to prove the reasonableness of the company's position, and all real difficulty and friction disappear. The number of persons affected has never been over 100.	
2. Have such disputes been, during that period, more frequent than formerly, or less so?	—	—	—	There have been no strikes or lock-outs.	—	—
3. Can you enumerate the important disputes and furnish particulars in regard to each such dispute under the following heads:—	—	—	—	Ditto.	—	—
a. Date of commencement and termination.	—	—	—	—	—	—
b. The chief immediate causes of each such dispute.	—	—	—	—	—	—
c. Number of workers in your employment directly engaged in each dispute.	—	—	—	—	—	—
d. Number of persons in your employment who have been thrown out of work thereby, but who have not been directly engaged in the dispute.	—	—	—	—	—	—
e. Attitude of associated employers towards the dispute.	—	—	—	—	—	—
f. Mode of settlement.	—	—	—	—	—	—
g. Advance or reduction of wages or other result of each dispute.	—	—	—	—	—	—
h. Estimated loss to firm, direct or indirect, occasioned by dispute.	—	—	—	—	—	—

QUESTIONS ADDRESSED TO EMPLOYERS BY THE ROYAL COMMISSION ON LABOUR—*continued.*

Questions.	Muir Mills, Company, Limited, Cawnpore.	Cawnpore Cotton Mills Company, Limited.	Elgin Mills Company, Cawnpore.	New Egerton Woollen Mills Company, Limited, Dhariwal, Punjab.	Cawnpore Woollen Mills Company, Limited, Cawnpore.	Agra Spinning and Weaving Mills Company, Limited, Agra.
IV.—GENERAL QUESTIONS.						
1. Does any system exist in your trade, in your district, providing for conciliation, arbitration, sliding scales, or other means of preventing or arranging trade disputes?	—	None.	No.	—	No.	—
2. Has any system of co-operative production, industrial partnership, or profit sharing been attempted by your firm, and, if so, with what results?	No.	—	No.	Question inapplicable.	Only a modification in the form of a provident fund for the benefit of the superior establishment. The company contributes to this fund half yearly an amount equal to the sums contributed by the employés, provided the shareholders receive a dividend at the rate of not less than 10 per cent. per annum.	—
3. Are the Government, or local authorities employers of labour in your trade and district, and, if so, with what results as to remuneration and other conditions of employment?	No.	—	No, except the jails to some small extent.	Ditto.	Government does not employ labour in this district to any appreciable extent, and to no extent in the trade followed by this company.	—
4. Can you supply information as to any agency in your district for finding or providing work for the unemployed?	No. The unemployed persons in this district are those who will not work. We have great difficulty in obtaining locally the labour we require and have had to recruit in other districts.	—	No.	Ditto.	No such agency known. There are no unemployed except from choice.	—
5. Have you any suggestions to make as to the statistical and other information relating to your trade which is, or, in your opinion, should be, collected and published by Government?	If Government collected and published in England information *re* the actual average time a native spends in work; his average of bad work and spoilt material; his average damage to machinery and the relative cost of the same work in England and India, it would remove much misapprehension.	—	—	Ditto.	Nothing to remark.	—
6. Can you suggest any means of avoiding or arranging strikes and promoting cordial relations between capital and labour?	There is no organisation among labourers in this district; they are so well off and they can with such impunity play off one set of employers against another, that strikes are almost unknown.	—	—	Ditto.	Nothing to remark.	—
7. Have you any other statement or suggestion to make for the information of the Commission?	—	—	—	None.	It may be mentioned that the company provides medical attendance and medicines for its employés. A stock of specifics for the most common forms of illness is kept on the premises, and administered freely to all requiring such aid.	—
	G. M. JOHNSON, Managing Director. Cawnpore, The 23rd May 1892.	W. R. P. GORDON, Secretary.	W. N. BEVIS, Manager and Secretary.		A. McROBERT, Manager. The 30th May 1892.	A. JOHN & Co., Managing Agents.

No. 255-S, dated Simla, the 13th July 1892.

From A. MAUDE, Esq., Junior Secretary to the Government of the Punjab, to the SECRETARY to the GOVERNMENT OF INDIA, Home Department.

I AM directed to acknowledge the receipt of your letter No. $\frac{6 \text{ Judicial}}{372}$, dated 14th March 1892, asking for a succinct memorandum setting forth the information which the Royal Commission on Labour desires to elicit regarding the employment of labour in the textile trades of India, so far as the questions put by the Commission are applicable to factories in the Punjab.

2. In reply, I am desired to say that there are very few textile factories in this province, the only ones of any importance being the new Egerton Woollen Mills at Dhariwal in the Gurdaspur district, and two mills at Delhi, known as the Delhi Cotton Mills Company, and the Delhi Cloth and General Mills Company. The managers of these mills have, so far as they have been able, answered the questions put by the Royal Commission, and their replies are appended to this reference as requested in your letter under acknowledgment.

3. So far as the Punjab is concerned the general conditions of the trade in textile manufactures are quite different from those prevailing in England, and, as has been already stated, the number of mills is so very small that it appears to the Lieutenant-Governor unnecessary to draw up a fresh memorandum on the textile manufactures of the province. A monograph on cotton manufacture in the Punjab was, however, prepared seven years ago, describing the manner in which cotton goods are made, and I am desired to forward a copy of this report which shows the conditions of the cotton industry as still generally carried on.

ROYAL COMMISSION ON LABOUR.

MEMORANDUM of Answers to Questions addressed to Employers (Section B), from the New Egerton Woollen Mills Company, Limited.

I.—INTRODUCTORY.

Questions.	*Answers.*
1. Will you state the business in which your firm is engaged?	1. Business—Spinners and manufacturers of woollen, worsted and hosiery works, situated at Dhariwal in the district of Gurdaspur, Punjab.
2. What number of workpeople are thus engaged?	2. (*a.*) Male, 540. (*b.*) Female, 80. Apprentices—(*c.*) Question inapplicable — "Young person" is not designated in Indian Factory Act. Unskilled labourer. } (*d.*) Question inapplicable.
3. Is your firm connected with any organization of employers dealing with labour questions?	3. No.

II.—WAGES, HOURS, AND CONDITIONS OF LABOUR.

The following are the wages, hours, &c. existing in our works—

Wages.

(*a.*) Amount from about Rs. 5 to Rs. 45 per month, fluctuations in the case of time workers occur only through irregular attendance, principally on the part of female employés.

(*b.*) Mode of payment (1.) (2.) (3.) } All modes in practice.

(*c.*) None (*i.e.*, payment through sub-contractors).

(*d.*) Fines of small amounts imposed in cases of destruction of goods or property wantonly or through carlessness only. No other form of stoppage is in force.

(*e.*) No such system (*i.e.*, truck or payment in kind.)

(*f.*) 1. Frequently (allowances in form of bonus).
2. None (allowances in form of deferred pay, &c.).
3. Sixty hands in connexion with works have free houses. No other allowances or advantages.

(*g.*) Fifteen days (length of notice for ending engagement).

Hours of labour.

(*a.*) Average 10 hours per day.

(*b.*) Overtime worked only occasionally, and as a rule on special remuneration.

(*c.*) No night shift worked.

(*d.*) No Sunday work.

(*e.*) A weekly half holiday is given, with payment in the case of time workers. There are on an average six other holidays yearly.

Conditions of labour.

(*a.*) Employment fairly regular at all seasons.

(*b.*) Perfectly safe, lighting and sanitation as perfect as possible, the latter under the supervision of a certified medical practitioner employed exclusively by the company.

Compensation.

(*c.*) Allowed when accident occurs through fault of employer.

(*d.*) Question inapplicable (refers to subdivision of labour).

(*e.*) Work mainly performed within the works, but certain kinds are regularly done in the home.

(*f.*) Carding, weaving, milling, dyeing, finishing, knitting, labouring, &c. done by men. Wool-picking and yarn-winding by hand, done by women.

Spinning and yarn-winding by machinery and hand, done by boys.

(*g.*) Inapplicable (apprenticeship).

(*h.*) Inapplicable (employment of foreigners).

(*i.*) Done wherever possible (introduction of labour-saving machinery).

(*j.*) Satisfactory (supply and quality of materials).

(*k.*) Question inapplicable (refers to unionists and delegates).

(*l.*) Question inapplicable (refers to causes of dispute).

III.—STRIKES AND LOCK-OUTS.

1. 2. 3. } There have been no strikes or lockouts, other questions inapplicable.

IV.—GENERAL QUESTIONS.

1. to 6. } Inapplicable (the questions refer to arbitration, co-operative production, unions, &c.).

7. None (refers to recommendations for alteration of the laws affecting labour).

The New Egerton Woollen Mills Co., Limited,
Per WM. MILNE,
Dhariwal, 16th May 1892. Manager.

DELHI COTTON MILLS COMPANY, LIMITED, SABZI MANDI, DELHI.

Questions addressed to Employers.

I.—INTRODUCTORY.

Questions.	*Answers.*
1. Will you state the business or businesses in which your firm is engaged and where its works are situated?	Our business is cotton spinning only, and the works are situated at Sabzi Mandi, Delhi.
2. What number of workpeople are there engaged in your firm, particularised as follows?—	
(*a.*) Male - - - - - - -	230.
(*b.*) Female - - - - - -	17.
(*c.*) Apprentices or other learners or young persons	50.
(*d.*) Unskilled labourers - - - -	14.
3. Is your firm connected with any organization of employers dealing with labour questions?	No.

II.—WAGES, HOURS, AND CONDITIONS OF LABOUR.

What representation or information do you desire to offer for the consideration of the Commission under any of the following heads?—

1. Wages.

(*a*) Their amount and fluctuation.

Card-room.

	Per month. Rs. A.
Head mistri - - -	60 0
Under mistri - - -	15–20 0
Roving tenters - - -	9 8
Intermediate - - -	10 8
Slubbing - - - -	9 0
Drawing - - - -	9 0
Monthly hands - - -	7 8
Sweepers and Doffers - -	3 8

Spinning-room.

	Rs. A.
Head mistri - - -	60 0
Under mistri - - -	26 0
Spinners or winders - -	22 0
Big piecers - - -	12 0
Small piecers - - -	7 8
Creelers - - - -	6 0
Sweepers - - - -	3 8

(*b.*) Mode of payment—
1. By the day, hour, or week. — We pay monthly.
2. By the piece. — We pay on the amount of work done.
3. By the task.

(*c.*) Payment by sub-contractor. — We have no contractors.

(*d.*) Deductions by fines or other forms of stoppage. — Fines for bad work and insubordination are levied. There are no other stoppages.

(*e.*) Truck or payment in kind. — We pay all in cash.

(*f.*) Allowances in form of—
(1.) Bonus. — Bounty is paid on out-turn to the head mistris. It averages about Rs. 10 per month each.
(2.) Deferred pay, such as sick, accident, pension or other insurance system. — In case of accident full pay is given during absence from work. In sickness, steady deserving men or hands receive full pay, but we have no pension or insurance system.
(3.) The house, land, food, or other allowance or advantage. — Steady, good workpeople have houses rent free.

(*g.*) Length of notice for ending engagement. — One month required and given.

Hours of labour.

(*a.*) Ordinary or standard hours of labour. — Thirteen hours all the year round. One hour for dinner is allowed at midday.

(*b.*) Overtime and its remuneration. — For time over 13 hours, mistris receive R. 1 per month and workmen 8 annas, women and children under 14 years of age are not allowed to work overtime.

(*c.*) Night shifts and their remuneration. — We have no night work.

(*d.*) Sunday work and its remuneration. — We do not work on Sunday; all cleaning is done on Sunday mornings.

(*e.*) Weekly half-holiday or other holiday work or without payment. — All recognised holidays are given. Monthly hands receive full pay.

Conditions of labour.

(*a.*) Irregularity of employment through seasons or other causes. — We have so far worked steadily all the year through.

(*b.*) Safety of employment and the lighting, sanitation, and inspection of workplaces. — The machinery is of the latest and is well guarded. The inspector seems satisfied with the lighting, ventilation and other sanitary arrangements.

(*c.*) Compensation for accidents. — Full pay is given during absence from work.

(*d.*) Sub-division of labour as between different trades.

(*e.*) Distribution of labour as between factories, workshops, and houses.. — All our work is done on the premises.

(*f.*) Distribution of labour as between men, women, and children. — Men do the special and heavy work. Women and children, the lighter, such as reeling, creeling, sweeping, &c.

Questions.	*Answers.*
(*g.*) Apprenticeship.	We have learners, but no apprentices.
(*h.*) Employment of foreigners.	We have none in our employment.
(*i.*) Introduction of labour-saving machinery.	
(*j.*) Supply and quality of materials, machinery, or other plant.	
(*k.*) Dismissal of representative delegates, refusal of unionists to work with non-unionists, use of black list, and mutual relations of employers and trades unions generally.	We have no experience, as yet, of the points inquired about.
(*l.*) Other causes of disputes.	We have no disputes, any that do occur are trivial, and are easily settled by the manager.

III.—Strikes and Lock-outs.

The mill was started only on 6th October 1890, and we have had no experience of these so far.

IV.—General Questions.

1. Does any system exist in your trade in your district providing for conciliation, arbitration, sliding scales, or other means of preventing or arranging trade disputes?	There seems to be no necessity for these as yet.
2. Has any system of co-operative production, industrial partnership, or profit-sharing been attempted by your firm, and, if so, with what result?	In the case of this firm, no; and I am not aware of any firm having tried the plan.
3. Are the Government or local authorities employers of labour in your trade and district, and, if so, with what results as to remuneration and other conditions of employment?	No.
4. Can you supply information as to any agency in your district for finding or providing work for the unemployed?	No. One of our greatest difficulties is to find labour management to keep all our machinery running.
5. Have you any suggestions to make as to the statistical and other information relative to your trade which is, or in your opinion should be, collected and published by Government?	No. Our experience in cotton-spinning is barely of two years' duration.
6. Can you suggest any means of avoiding or arranging strikes and promoting cordial relations between capital and labour?	We have had no experience of strikes.
7. Have you any other statement or suggestion to make for the information of the Commission?	No.

William Wilson,
Managing Agent.

Delhi, 13th June 1892.

Delhi Cloth and General Mills Company, Limited.

B.—Questions addressed to Employers.

I.—Introductory.

II.—Wages, Hours, and Conditions of Labour.

By piece-work.

III.—Strikes and Lock-outs.

Not known here.

IV.—General Questions.

I.—Introductory.

Questions.	*Answers.*
1. Will you state the business or businesses in which your firm is engaged, and where its works are situated?	Spinning, weaving, and manufacturing, Delhi.
2. What number of workpeople are there engaged in your firm, particularised as follows?—	
(*a.*) Males	354.
(*b.*) Females	59.
Children	50.
(*c.*) Apprentices or other learners or young persons.	None.
(*d.*) Unskilled labourers.	
3. Is your firm connected with any organisation of employers dealing with labour questions?	No.

II.—Wages, Hours, and Conditions of Labour.

Questions.	*Answers.*
What representations or information do you desire to offer for the consideration of the Commission under any of the following heads?—	
1. Wages—	By piece-work.
(*a.*) Their amount and fluctuations.	
(*b.*) Mode of payment—	
(1.) By the hour, day, or week.	Monthly.
(2.) By the piece.	Yes.
(3.) By the task.	None.
(*c.*) Payment through sub-contractor.	No.
(*d.*) Deductions by fines or other form of stoppage only through insubordination.	
(*e.*) Truck, or payment in kind.	No.
(*f.*) Allowance in form of—	
(1.) Bonus.	No.
(2.) Deferred pay, such as sick, accident, pension, or other insurance system.	Left to manager.
3. Free house, land, food, clothing, or other allowance or advantage.	None.
(*g.*) Length of notice for ending engagement.	15 days.
Hours of labour.	Sunrise to sunset.
(*a.*) Ordinary or standard hours of labour.	Sunrise to sunset.
(*b.*) Overtime and its remuneration.	None.
(*c.*) Night shift and its remuneration.	None.
(*d.*) Sunday work and its remuneration.	None.
(*e.*) Weekly half-holiday or holiday with or without payment.	No deduction made for holidays.
Conditions of labour—	
(*a.*) Irregularity of employment through seasonal or other causes.	None.
(*b.*) Safety of employment and the lighting, sanitation, and inspection of work-places.	Passed by inspector as good.
(*c.*) Compensation for accident.	Yes.
(*d.*) Sub-division of labour as between different trades.	None.
(*e.*) Distribution of labour as between factories, workshop, and homes.	None.
(*f.*) Distribution of labour as between men, women, and children.	None.
(*g.*) Apprentices.	None.
(*h.*) Employment of foreigners.	Indian-European supervision.
(*i.*) Introduction of labour-saving machinery.	Made principally for cotton spinning.
(*j.*) Supply and quality of materials, machinery, or other plant.	
(*k.*) Dismissal of representative delegates, refusal of unionists to work with non-unionists, use of black list, and material relations of employers and trade union generally.	Not known here.
(*l.*) Other causes of dispute.	Settled by manager.

III.—Strikes and Lock-outs.

1. Can you state how many strikes and lock-outs there have been in connexion with your works in each of the 10 years 1881–1890, and in the current year up to date?	None.
2. Have such disputes been, during that period, more frequent than formerly, or less so.	None.

IV.—General Questions.

1. Does any system exist in your trade and district providing for conciliation, arbitration, sliding scales, or other means of preventing or arranging trade disputes?	No.
2. Has any system of co-operation, production, industrial partnership, or profit-sharing been attempted by your firm, and, if so, with what result?	No.
3. Are the Government or local authorities employers of labour in your trade and district, and, if so, with what result as to remuneration and other conditions of employment?	Limited liabilities.
4. Can you supply information as to any agency in your district for finding or providing work for the unemployed?	No.
5. Have you any suggestion to make as to the statistical and other information relating to your trade which is, or in your opinion should be, collected and published by Government?	No.
6. Can you suggest any means of avoiding or arranging strikes, and promoting cordial relations between capital and labour?	No.
7. Have you any other statement or suggestion to make for the information of the Commission?	No.

Questions.	*Answers.*
Can you enumerate the important disputes and furnish particulars in regard to each dispute under the following heads? (*a.*) Date of commencement and termination. (*b.*) The chief immediate cause of each such dispute. (*c.*) Number of workers in your employment directly engaged in such dispute. (*d.*) Number of persons in your employment who have been thrown out of work thereby, but who have not been directly engaged in the dispute. (*e.*) Attitude of associated employers towards the dispute. (*f.*) Mode of settlement. (*g.*) Advance or reduction of wages or other results of each dispute. (*h.*) Estimated loss to firm, direct or indirect, occasioned by dispute.	All these settled by the manager and the workpeople up to date; no strike of any description.

ABRAHAM MARSHALL, Manager,
Delhi Cloth and General Mills Company, Limited, Delhi.

No. 611, dated Lahore, the 5th December 1884.

From R. G. THOMSON, Esq., Officiating Junior Secretary to Government, Punjab and its Dependencies, to J. A. GRANT, Esq., Junior Secretary to Financial Commissioner, Punjab.

I AM directed to acknowledge the receipt of your letter No. 1066, dated 19th September 1884, containing a report on the cotton manufacture in the Punjab for the year 1883-84, and to convey the thanks of the Lieutenant-Governor to the Financial Commissioner for the admirable manner in which the paper has been prepared.

2. His Honour has read the account of the cotton industry of the province with great interest, and it appears to him to fulfil most completely the purposes for which the compilation of these monographs was initiated. The report is lucid, brief and sensible, and seems to comprise all the information that is likely to be necessary on the subject.

3. With reference to the concluding paragraph of your letter under reply, I am to ask that arrangements may be made to deposit the collection of cloths in the Lahore Museum, and it is desirable that copies of the monograph should be widely circulated.

No. 1066, dated Lahore, the 19th September 1884.

From E. B. FRANCIS, Esq., Officiating Junior Secretary to Financial Commissioner, Punjab, to C. L. TUPPER, Esq., Secretary to Government, Punjab.

Report on the manufacture of cotton.

IN accordance with the orders of Government contained in the eighth paragraph of the Review of the Internal Trade Report for 1882-83 and subsequent correspondence, it has been arranged that the returns and report relating to manufactures which have hitherto accompanied the annual report on the internal trade of the province should be discontinued, and that in place of these a separate report should each year be prepared on some particular manufacture to be chosen for that year.

In accordance with this arrangement the manufacture of cotton has been selected as the subject for the present year's inquiry, and I am now directed by the Officiating Financial Commissioner to submit the following report on that industry.

Supply and consumption of raw cotton.

2. The area of land in which cotton was cultivated in the Punjab was shown as follows in the Revenue Administration Reports of the last four years:—

	Acres.
1879-80	777,041
1880-81	785,834
1881-82	890,037
1882-83	860,631

and the returns for 1883-84 show an area of 802,534 acres.

In the Cotton Reports of the same years somewhat different figures were shown as follows:—

	Acres.
1879-80	806,380
1880-81	761,729
1881-82	918,265
1882-83	898,818

The discrepancy is probably due to the exclusion in some cases, and the inclusion in others, of lands which were sown with cotton, but of which the crop failed to come to maturity. It may be assumed, however, that the average under cotton in the Punjab amounts in most years to somewhat over 800,000 acres, and also that it is tending to increase.

The out-turn per acre of cleaned cotton was shown in the last three Cotton Reports as 96 lbs. and 103 lbs. The figures entered in statement No. XXIX. of the statements accompanying the Revenue Administration Report are higher, but in some cases they appear to represent the yield of uncleaned cotton, and they are certainly not so accurate as the above.

The total yield of the province was shown in the last four Cotton Reports as follows:—

	Cwts.
1879-80	644,483
1880-81	653,917
1881-82	787,581
1882-83	804,917

giving an average of 722,724 cwts., or 1,011,815 maunds annually. In the same reports the excess of exports of raw cotton from the province over imports into it from other provinces was shown to amount on the average to about 110,000 cwts., or 154,000 maunds. This result is corroborated by the returns of the external and internal trade of the province, which show that the cotton exported is sent to the seaports of Calcutta, Bombay and Karachi in nearly equal quantities, and that about 9,000 maunds on the average are exported to foreign countries beyond our northern and western frontiers. The average exports from the province by rail and river for the years 1880-81 to 1883-84 were 137,384 maunds, and the average imports from other provinces were 22,926 maunds; but it is known that, owing to the high rate charged by the railways for the carriage of unpressed cotton, a large quantity is conveyed by cart. Therefore the figures given in the Cotton Reports do not appear to be too high.

It thus appears that 857,000 maunds of raw cotton, or 84 per cent. of the whole yield of the province, are locally consumed.

Preparation of raw cotton for spinning.

3. Cotton is picked about November and December. The pods do not all ripen at the same time, and it is therefore necessary to go over the field several times. This work is chiefly performed by women. They are usually paid by giving them a portion, generally one-tenth, of the cotton they pick. The pods are exposed to the sun and beaten to make the husks (*doda*) separate from the fibre.

Ginning.

4. The seed to which the fibre is attached is then extracted by a small hand machine, which takes the place of the cotton gin. This consists of two rollers, one of which is generally of iron and smaller than the other, which is of wood: but in some districts both rollers are stated to be of wood. By means of a spiral turn at the end of the iron roller, which engages a projection of the wooden roller, the two are made to revolve in opposite directions when the handle attached to one of them is turned. The fibre (*rui*) is then drawn through the rollers while the seed (*binola* or *varema*), which cannot pass between them, is left behind. This machine, which is called *belna*, is capable

of ginning about 12 seers of cotton in the day. At Multan a steam cotton gin has been established by Sidhu Ram, Rangu Ram & Co., which employs 70 persons. In the Hazara district there are at Pakhli some *belnas* worked by water power. The *belna* worker is commonly paid by receiving the cotton seed which he extracts, but he is sometimes paid in cash. This operation is also very frequently performed by members of the household of the person to whom the cotton belongs. In the census tables 3,257 men and 1,345 women are recorded as cotton ginners, but these figures do not represent the numbers really so employed. The cleaned cotton fibre usually weighs one-third, and the seed two-thirds, of the whole contents of the pod, but with inferior cotton the fibre is sometimes only one-fourth of the whole.

Character of staple.

5. The cotton of the Punjab has a short, but strong fibre. Improved varieties exist in some districts. Among them may be mentioned the *khadir*, or riverain, cotton of the Delhi division, and the *narma* cotton of the Rawalpindi and neighbouring districts. This cotton, according to the report of the Deputy Commissioner of Jhang, is believed to be of Egyptian origin. It is stated to have a red flower and a greenish seed, distinguishing it from the commoner variety of which the flower is yellow and the seed grey. In the report for the Shahpur district the finer stapled cotton is called *khurni* and the commoner kind *bagár*. The latter name seems to indicate the stock as having come from the Hissar district, and as being the same as what is known at Delhi as *háriána* cotton.

The ordinary cotton is hardy, and can be cultivated under circumstances where exotic descriptions would probably not succeed.

Scutching.

6. Having been freed from the seed the cotton next undergoes a process to divide the fibre, which, in the pod, clings together in tufts. This is analogous in object to the English process known as carding, but from the manner in which it is effected seems to be more correctly described as scutching. It is performed by subjecting the cotton to vibration produced by a bow-string. A large bow is suspended from the roof so as to hang at a convenient height above the pile of loose cotton. The string of the bow is then twanged with a wooded catch, so as to strike a small portion of the cotton, the fibre of which is scattered by the impact and thrown off in an uniform condition of soft fluff. At the same time, any dirt which is entangled in the fibre falls out. The cotton is then made up into conveniently sized balls or rolls and handed over to the spinner.

Scutching is a special trade practised by men, known as *pinjá* or *naddf*. Their numbers are shown in the census tables as 32,268, and 4,395 women also are there shown as following the occupation of cotton scutching. It is stated in some of the district reports that women who spin cotton sometimes scutch it for themselves with a bow like the *pinjás*, but of smaller size. The wages of a *pinjá* are 3 pice, or sometimes 1 anna, for each seer of cotton that he scutches, and he can usually turn out about four seers in the day. A considerable quantity of cotton is used in padding jackets for winter wear, but by far the larger part is spun into thread.

Spinning.

7. Before cotton is spun, it is made into small rolls of about one or two tolas in weight, called *punis*. The process of spinning is performed by the wheel and spindle, which seem to be of almost universal use where spinning is done by hand. In the Punjab, the wheel (called *charkhi*) is small, about 15 or 18 inches in diameter. It is formed of two parallel discs, the circumferences of which are connected by threads, and over the drum so formed passes a driving-band, also made of thread, which communicates a rapid motion to the axis of the spindle. The end of a *puni* is presented to the point of the spindle, which seizes the fibre and spins a thread, the *puni* being drawn away, as the thread forms, as far as the spinner's arm will reach. Then the thread is slackened and allowed to coil itself on the body of the spindle until the spindle is full, when it is removed. A spindle of thread is called a *challi* or *mudha*. These are wound into skeins called *atis* on a small frame called *ateran*, and in this form the thread is sold. In the *ati* the threads are crossed over and over in a figure-of-8 form, so that they will not readily tangle. Spinning is the domestic employment, during the greater part of their leisure time, of women of all classes, and like most of such employments it is very ill-paid. A woman cannot spin more than one *chitak* or two ounces daily, unless the thread be coarse, when she may accomplish two *chitáks*, and her remuneration is only from 4 to 8 annas a seer, so that she earns but half an anna a day. The above is the highest rate quoted in any of the reports. That of the Rawalpindi district states that the pay is only 5-pice a seer, and the Jullundur report estimates the earnings of a spinner at only Rs. 3-12-7 a year. The difference between the average values of cotton and of cotton thread is only about 3 annas a seer. In the census tables 199,164 women and 273 men are returned as cotton spinners. At the rate of 1½ *chitáks* a day each person would be able to produce less than one maund of thread in a year, so that if 800,000 maunds of cotton are annually converted into thread, as would appear from foregoing statistics to be the case, a much larger number than the census shows must really employ themselves in spinning. That is to say, a great number of females who habitually spin failed to describe themselves as spinners by occupation. The bulk of the country yarn (*sút*) is very uneven in thickness, and unfit for anything but the coarsest cloth. Comparatively few persons can produce fine and even thread, and many of these spin only for the use of their own households. There is comparatively little trade in country yarn. The exports of the province amounted on the average for the last four years to no more than 10,681 maunds annually, and the imports to 5,559 maunds. The tariff value adopted in the trade reports is Rs. 22 a maund. This is sufficient as an average rate for the coarse yarns which are most commonly bought and sold, but thread suitable for the better class of native cloth will fetch about double this price. A little thread is used for rope-making, but with this exception it all goes to the weaver.

European yarn.

8. Owing to the imperfections of the native product, the weavers of the finer fabrics, such as *súsi*, *khes*, or any cloth having a pattern in it, show a decided preference for European yarn. The imports of this article amounted on the average of the last three years to 33,199 maunds a year, of which on the average 3,872 maunds were passed on to foreign countries. The imported thread is fine, clean, and even, and can be had in a variety of attractive colours. It is much dearer than the native yarn, but efforts are apparently being made to supply cheaper descriptions suitable to the means of the native community. The tariff rate adopted in the trade reports, which was Rs. 100 three years ago, has now been reduced to Rs. 65 per maund. It must, however, be admitted that the quantity imported has not risen to an extent proportionate to the fall in price. The imports for the last four years have been as follows:—

	Maunds.
1880–81	38,207
1881–82	30,482
1882–83	29,800
1883–84	34,286

Much thread is also being produced by steam spinning mills in Bombay and other places in India, which is almost equal to the imported article, and is frequently confused with it. In the Ludhiana district it is reported that about half the yarn used is imported, the well-known Ludhiana cloth being all made of English thread. It is largely used also in Delhi, Hoshiarpur, Sialkot, Ferozepore, Multan, and for the handsome *lungis* and turbans of Peshawar and Kohat. European thread is very generally used for sewing, except for the roughest kinds of work. The above statistics of import and export include both twist and yarn. The process of dyeing yarn will be described, together with that of dyeing cloth.

Weaving.

9. In the census returns weavers have been distinguished as weavers of coarse and weavers of fine fabrics. The former class numbered 329,107 men and 97,158 women. The latter numbered only 6,119 men and 325 women. Ordinary weaving of plain coarse fabrics is in fact one of the common occupations of the great caste of *Chamárs*. Professional weavers, on the other hand, are much less numerous, and those who can make fancy cloths are scarce. The first process towards weaving cloth is to stretch out the warp, or longitudinal threads (*tána*). This work may be done either by the women of the weaver's family or by others. The thread is first transferred from the skeins to a reel (*ura*). Two reels are fixed at the ends of sticks on a pivot on which they can revolve. A double row of sticks or reeds is then planted in the ground at intervals of about two yards, extending either in a straight line or in a loop, to the length which the piece of cloth is to have. The warp-layer then takes a stick and reel in each hand and walks along the line, dropping the threads one inside and the other outside the upright sticks alternately, so that the two cross each other

between each pair. Having got to the end of the line, she returns in the same way, and so on, up and down, until enough threads have been laid to make the required width of the fabric. If the cloth is to have a longitudinal stripe or a check, reels of different colours must be used, and the proper number of threads must be laid with each colour.

The common native coarse cloth *khadar* or *garha* contains 250 or 300 threads in the warp, and the stuff is about three-quarters of a yard wide. Different names are given to the cloth with reference to the number of threads. That containing 250 threads is called *adhisa*; that with 300 threads *tisa* or *trisa*. Finer cloth containing 400 threads is named *chaunsi*. In the same way, *painsi* has 500, *chhisi* 600, *athsi* 800, and *hazári* 1,000 threads in the warp. The higher numbers are uncommon.

The next process is to size the warp. For this a paste made from baked meal, either barley or wheaten, is used. The warp is soaked in this. It is then stretched out on a line of trestles, and brushed with a brush made of *khas* grass until it is dry. The brushing removes superfluous size, and fixes down any stray fibres of the yarn. Then the warp is mounted on the loom.

The loom (*khaddi*) is in its essentials much the same as the hand-looms used in other countries. The weaver works sitting with his feet in a hole in the ground, with the warp which is to be filled up extending horizontally from in front of him to a peg fixed in the ground some yards off. As the cloth is made it is wound up on a roller at the near end, the farther end being slackened at the same time by letting go a rope which runs round the farther peg, and returns to within the workman's reach. The warp is controlled by means of peddles (*rach*), of which for plain weaving there is one pair. The peddles consist of vertical frames of the width of the loom, each of them carrying half as many loops, made of thread, as there are strands in the warp. Strands Nos. 1, 3, 5, &c., are wove through the loops of the one peddle, and pass loosely through open spaces in the other one, whilst strands Nos. 2, 4, 6, &c., are carried through the loops of the second peddle and through the open spaces of the first one. The lowering of one peddle thus pulls down all the threads in the odd places without affecting the remainder, while the lowering of the other has the same effect on the threads in the even places. The peddles are suspended from the roof, and are worked by treddles on which the weaver places his feet. Where a twill, check, or damask pattern, as in the favourite stuff called *khes*, has to be produced, there are two or more pair of peddles, and the threads of the warp, instead of always rising and falling alternately, follow a more complex rhythm, on which the pattern depends. For some of the more intricate designs of the *ghamsán khes*, it is said that as many as eight pairs of the peddles are employed. The yarn for the woof or weft (*bana*) is wetted, and wound on small hollow spools, generally straws. The shuttle is shaped like a small boat, pointed at each end, and having the intermediate space open. In this space the spool of yarn is placed, and revolves on a wire which runs through it lengthwise. The end of the yarn passes out through a hole in the side of the shuttle. One of the peddles being depressed, the shuttle is thrown from one side to the other of the warp, passing over one set of strands and under the other, and the yarn which it leaves behind it forms one thread of the woof. The position of the peddles is then reversed, and the shuttle is thrown back, passing this time (in plain weaving) over those threads of the warp which it before passed under and *vice versâ*. The threads of the woof are pressed home by a heavy comb (*kanghi*) which, like the peddles, is suspended from the roof.

Niwar (tape) is woven by a simpler arrangement, the threads of the warp being struck up and down by hand, and the place of the comb being taken by a blunt wooden knife.

Daris (carpets) also are woven on a simplified loom, in which the warp is regulated by hand. The compression of the woof is done with metal combs, of the width of 10 or 12 threads, several men working side by side. But in a *dari* the woof is of much less thickness than the warp, the warp is kept tight while the woof is laid somewhat loosely with the shuttle, and is then so driven home with the comb that each thread is made to touch the last thread but one, and none of the warp is left exposed. A similar principle is adopted in a few other fabrics in which only the woof is shown.

At the census only 634 men and 58 women were returned as carpet weavers, and only 48 men and 43 women as weavers of webbing (or *niwár*).

The carpet weavers would include the persons who make cotton pile carpets. These are mostly produced at Multan. The colours are blue and white.

A weaver can complete about 10 or 12 yards of the coarser and looser fabrics in a day, and 3 or 4 yards of the finer ones. He is paid various rates according to the nature of the work, and these result in his being generally able to earn about 4 annas a day. The spools are filled for him by the women of his family.

The average value of Indian piece goods assumed for the trade returns is Rs. 40 per maund, or Rs. 18 per maund more than the average value of yarn. Supposing 750,000 maunds of thread to be woven annually, the margin available for the payment of the weaver and his assistants would be 165 lakhs of rupees, which at the rate of 4 annas a day, or say Rs. 75 a year, would suffice to maintain 220,000 men the whole year round; this number is considerably less than that shown in the census returns. But the weavers of the common sort have other alternative occupations of many kinds, and most of them probably do not earn nearly so much as 4 annas a day by weaving only.

Dyeing.

10. The dyes in common use in the Punjab for cotton yarn and cloth have not a very great variety. The common cloth (*khadar*, *garha*, *gazi*, &c.) is generally worn uncoloured. Dye is more commonly applied to thin cloths for women's wear. But the more esteemed coloured fabrics are woven in patterns from variously coloured yarns. The *khes* has very often a red or blue check introduced in the weaving. *Lungis*, especially on the frontier, are dyed blue or *khaki*, but the handsomest specimens are those which are woven in colours.

The commonest colours for all cotton stuffs are indigo blue, madder or safflower red, and yellow.

To dye with indigo, the indigo is ground with water, and the impurities strained off. It is then mixed with *sajji* (an impure carbonate of soda obtained by burning plants of the *salsola* tribe) *gur* (or crude sugar), and a sufficient quantity of water, and allowed to stand for several days, when some sort of decomposition takes place. The cloth or yarn dipped in this dye comes out yellow at first, but assumes the deep blue of indigo on exposure to the air. To give a dark tint several dippings are necessary. A further application of an infusion of *naspal* (pomegranate rind) will convert the blue colour to a green, light or dark, according to the quantity of indigo.

Naspal may also be used by itself to dye yellow. In this case the stuff, after being dyed, is dipped in alum water to fix the colour. Turmeric will also give a yellow dye called *basanti*, but this is not permanent. The same remark applies to a yellow ochre (*bard matti*), and to the brick-red colour given by red ochre (*geru*). *Harsinghar* (the flowers of *nyctanthes arbortristis*) give a rich yellow dye. A temporary orange colour may be obtained from the flowers of the *Dhak* (*butea frondosa*). A series of beautiful scarlet and crimson tints are produced from safflower (*kasumbha*), either used alone or with the addition of yellow and blue dyes, but the colour is not permanent. Sulphate of copper (*nila tutya*) gives a pretty peacock blue.

When madder (*majit*) is used the cloth is first steeped in an infusion of *main*, which is the galls of the *farash* (*tamarix orientalis*). It is then boiled with pounded madder. Finally, a solution of alum is used to fix the dye. The result is a deep red.

Brown colours are produced with catechu (*kath*), and also sometimes with oxide of iron, the stuff being afterwards treated with lime-water. *Kháki* (drab or grey can be dyed in this way, and also with an infusion of the pods of the *kikar* (*acacia arabica*).

Kishta or *khatta* (vegetable acid, generally an infusion of raw mangoes or of limes) is used to brighten some of the dyes, especially reds.

In some places aniline dyes are now coming into fashion. As used by the native dyers at least, they are not fast colours. Lilacs (*sosni kasni*) are either produced with these dyes, or with indigo combined with safflower.

The number of cotton dyers entered in the census registers was 26,844, besides, 6,149 women.

Printing.

11. The cloths which are printed or stamped in colours are generally women's head coverings (*chadars* and *ornis*) and those intended for quilts (*lihafs*). The pattern is most commonly produced in madder red, with or without the addition of black. The cloth is first dipped in an infusion of galls. Then a wooden stamp, on which the pattern is cut in relief, is dipped in

alum-water and applied to the cloth in the proper places. The cloth is then boiled in madder. When this has been done it is subjected to a bleaching process, by being moistened and spread in the sun for some days. The effect of this is to remove the dye except from those places to which the alum water was applied by the raised face of the stamp. Thus the pattern comes out in deep red on a pale ground. A black pattern is produced on the same stuff before the boiling process by using a stamp dipped in water in which iron rust has been steeped and fermented with flour. The chemical action of the gall infusion on the oxide of iron, which is similar to that by which common English writing ink is made, produces a full black wherever the stamp is applied. A pattern can be produced on the same principle with any dye stuff to the permanence of which alum or other mordant is necessary by stamping the pattern with a block dipped in the mordant and then dipping the cloth in the dye. Those parts to which the mordant has not been applied will bleach out or become paler than the rest. Yellow and green can be applied to the uncoloured portions of the cloth by laying on the usual dyes with a brush in the proper places; but these colours have not the permanence of the red and black above described. Another method is to protect the printed parts by a layer of thick paste and then dip the whole cloth in dye of the second colour. Thick cotton cloths are very neatly printed in four or more colours at Kot Kamalia in the Montgomery district, and the patterns are sufficiently artistic to attract European customers who use the stuff as hangings.

A sort of pattern of variegation is produced by tying small knots at intervals in a piece of cloth which is to be dyed. The knotted places being protected from the dye show pale rings when the knots are untied.

There is a mode of producing a pattern in gold or silver which is used for decorating women's shawls or veils. The pattern is stamped in glue or size to which gold or silver leaf is afterwards applied.

In Peshawar a peculiar kind of cloth ornamentation is prepared for the Afridi women, a raised pattern being laid on in wetted lac. At the census 10,199 men and 1,105 women were returned as following the occupation of cotton printing. Cotton printers form a caste, known as *chimba* or *chipi*, distinct from the dyers (*rangrez*), but many persons called *chimbas* follow no higher branch of their art than that of washing.

Kinds of cloth produced.

12. The cloths woven in the Punjab consist for the most part of *garha* or *kahdar* of several varieties, allied to which is *gazi*, and also *chaunsi* and *painsi*. These together make up perhaps five-sixths of the whole quantity that is woven. They are coarse cloths, of common yarn, but are closely woven and last well. *Dhotar* or *odhotar* is a thin loosely woven stuff of the same sort of thread. Another kind of cheap, thin stuff is known as *pagri*, being made for use as turbans for the poorer classes. These stuffs are worth from Rs. 4 to Rs. 6 a hundred yards, excepting *chaunsi* and *painsi* which are worth about Rs. 8. After these the cloth most largely made is *susi*, a striped stuff used for women's trousers. This is made of fine thread, and is one of the fabrics in which English thread is now largely used. It is much more valuable than the foregoing, costing Rs. 15 or Rs. 20 per hundred yards. *Khes* is a thick cloth woven with a diagonal pattern which is produced by taking up the warp threads two at a time, one of which is dropped, and another on the other side taken up, at each passage of the shuttle. It is used as a wrapper by the well-to-do peasantry throughout the Punjab. *Khes*, as already remarked, is frequently made with blue or red stripes in the border, the former colour being generally used by Mussulmans and the latter by Hindus. Of the same character as *khes* are the thick cloths known as *dotahi* and *chautahi*, which are used as counterpanes as the names imply. *Dotahi* will cover an ordinary native bed when folded double, and *chautahi* when folded four times. These cloths are not generally woven in one breadth, but in two or three, which are afterwards sewn together. *Dolara* is a coarse stuff used as a floorcloth. *Sálara* is a thin cloth used for women's head-coverings or *chadars*. *Dosúti* is a cloth of which the threads of both warp and woof are double. It is a very durable cloth, but it is not made to a large extent. There is also a cloth made in which the threads are quadruple, and which is therefore called *chársúti*. *Chhisi*, *athsi*, &c., have already been described as finer varieties of the common cloth. *Gháti* is a fine cloth, of a close texture; in Jullundur it is also called *andras*.

The cloths made from English thread at Ludhiana are mostly imitations of imported fabrics. They comprise a great variety of checks, especially of the kind called *gambroons*. Ludhiana *lungís* are well known. They are generally of blue or *kháki* in imitation, probably of the Peshawar *lungís*. Dusters, towels, handkerchiefs, &c. are also made for the use of Europeans. *Pagrís* of good quality are made in Delhi, and a limited quantity of very good specimens of the same stuff is produced in the Rohtak district. Weaving has attained considerable perfection in the towns of Kasur, Khemkaran, and Sur Singh in the South of the Lahore district, a result to which the institution of the Kasur school of industry may have contributed. Handsome *lungís* are made in Shahpur and the Multan division in which red, yellow, and pale green colours predominate. English thread is in many places used to make a stuff known as *nakli* (or imitation) *daryai*, being a plain fine stuff supposed to be similar to the true *daryai* which is of silk. *Daryai* is generally made of a yellow or light green colour. The silk fabric called *gulbadan*, the peculiarity of which is its narrow stripes, is also imitated in English cotton thread. These stuffs are glazed with gum after they are woven. As a rule native stuffs receive no finish, but are sent to market just as they leave the loom. In some of the western districts various kinds of fancy cloths appear to be described generally as *lácha*. In Gurdaspur a special cloth known as *garbi loi* is made which has attained some reputation. It is said to be exported to Cawnpore, Mirzapur, and even to Calcutta. Some other varieties are mentioned in the district reports, but they seem to be exceptional and of no great commercial importance. The Peshawar and Kohat *lungís* have been mentioned, but the ornamental ends of these *lungís*, which give them their value, are not of cotton, but of silk or gold and silver thread. The cotton part of the fabric is plain blue or grey.

Amount of cloth manufactured.

13. Most of the district officers have endeavoured to furnish estimates of the quantities of cloth of each kind produced in their districts. Their results, however, are not all calculated in the same way. In some cases the value and in others the measure only of the cloth is stated. In many cases two or more kinds of cloth have been jointly estimated. Some deputy commissioners again profess themselves unable; in the absence of regular statistics, to furnish any estimates at all of the extent of the out-turn. By adding together the figures which have been given, affixing values so far as possible where only quantities are given, and making a rateable addition for those districts which have not submitted returns, the following estimate has been prepared, which may perhaps be accepted as fairly representing the value of the annual out-turn of the province:—

	Rs.
Khádar	8,200,000
Gárha	1,400,000
Gazi	300,000
Pagri	500,000
Dhoti	100,000
Dhotar	700,000
Khes	600,000
Dotáhi and chautáhi	600,000
Dolara	300,000
Chaunsi	1,800,000
Painsi	1,400,000
Chhisi, &c.	600,000
Susi	2,300,000
Lungis	1,200,000
Sálara	200,000
Miscellaneous	800,000
Total	22,000,000

This estimate seems to be rather under than over the mark. If 750,000 maunds of cotton be made into cloth and the cloth be worth on the average Rs. 40 a maund, the value of the out-turn would be three *crores* of rupees. But the above tariff rate is probably too high for the majority of coarse cloths made for home use. In the manufacture return of 1881-82 (the last which was printed with the Internal Trade Report) the computed value of the whole out-turn is shown for each district, and the aggregate of these sums is 278 *lakhs* of rupees.

The manufacture in all its stages is conducted by single operatives working at their own homes. With the exception of the steam cotton-gin at Multan there is not an establishment in the province that employs 20 hands.

Indian piece-goods are both imported into the Punjab and exported from it, but the exports exceed the imports. The imports amount on the average of the last

four years to 53,259 maunds annually. They come principally from Bombay and the North-Western Provinces. None of the district reports except those of the frontier districts, Hissar and Sirsa, mention any large imports of native cloth from other provinces. It is mentioned that nearly the whole of the imports into Hissar and Sirsa are re-exported to Bikanir, and a large part of the stuff sent to the frontier is certainly exported to Afghanistan.

Country cloth was exported from the Punjab in the last four years to the average extent of 139,911 maunds a year, of which 93,056 maunds were conveyed by rail or river to other parts of India and the remainder 46,855 maunds, went to foreign countries beyond the western and north-western frontier. It may be assumed that about one-third of these exports were the produce of other provinces, and two-thirds were of Punjab manufacture. The internal export trade is mostly with Rajputana, which takes a large proportion of the goods made at Delhi. As much as half of the *pagris* woven in that district are exported. A large business in weaving cotton goods for Afghanistan and adjoining countries is done in the districts of Shahpur, Jhang, and Multan. These consist of fabrics of all sorts but mostly of the common country cloth. The cotton cloth of Girot in the Shahpur district has so widespread a repute that the dealers of that town use a stamp to distinguish their products, and it is said that cloth is brought in from the surrounding country to Girot in order to receive this mark and pass as Girot-made. There is also a considerable trade with Kashmir from the districts of Lahore, Gurdaspur and Sialkot.

After deducting exports, the amount of country cloth retained for consumption in the province would appear to be about 670,000 maunds, worth probably about 225 *lakhs* of rupees.

Competition of European piece-goods.

14. The above amount of native cotton cloth, however, by no means suffices for the wants of the population. European piece-goods are imported to an enormous extent. The weight of the imports of these goods for the last four years averaged 448,489 maunds. A variable quantity, which in the last four years averaged 52,767 maunds, was re-exported to other provinces by rail or boat, and 42,011 maunds were despatched to foreign territory beyond the north-western frontier. On the average therefore the Punjab consumes annually 353,711 maunds of European cotton goods, worth, at the standard valuation of Rs. 85 per maund, no less than Rs. 30,065,435. As in the case of twist and yarn, the English manufacturers appear to be gradually cheapening their goods, and so bringing them more and more within the reach of the mass of the population. But on a comparison of the figures of the last four years their use does not seem to be extending very rapidly in the Punjab. The excess of the imports over the exports in these years was as follows:—

	Maunds.	Value, Rs.
1880-81 - -	353,444	29,879,033
1881-82 - -	324,820	28,270,376
1882-83 - -	353,702	29,310,139
1883-84 - -	382,881	32,017,375

This rate of increase seems to be hardly so large as would be accounted for by the growth of the purchasing power of the people. It seems probable that, notwithstanding the competition of Manchester, the Punjabi weaver's trade is rather extending than diminishing, and that there is still plenty of room for both. The great mass of the population of this part of India require for their ordinary working garments a plain substantial stuff containing a good weight of strong cotton, and it is not in the power of the European manufacturer to supply such stuffs to them at a rate which would command their custom, all the advantages derivable from the use of machinery being in the case of such goods more than neutralised by the cost of transporting the material. Some of the finer native fabrics, however, are undoubtedly being replaced by imported stuff. The fine calico, called by the native dealers *khása*, is preferred by the better classes to *ghâti*, *chhisi*, *athsi*, &c. An English-made kind of *susi*, known here as *bokhára* is, by reason of its bright and varied colours and its better texture, supplanting the native stuff to some extent in the towns. *Malmal* can hardly be said to have ever been made to any important extent in this province, but what demand there was for this article is probably now satisfied by English muslin. The figured and spotted muslins which are now so popular are a new thing altogether and do not usurp the place of any native product. English chintz, which is imported in endless varieties, has probably diminished the demand for the handiwork of the *chhisi*. Where regularity and precision are of importance machine-made goods will, of course, always excel those made by hand, both in cheapness and in appearance, and it is better for the Punjab to import goods from England than to make them locally at a higher cost. The displacement of labour will cause no harm if it be not too sudden, and from the above-quoted figures it certainly does not appear that it is taking place with revolutionary rapidity. Taking together both country-made and imported goods it appears that the people of the Punjab expend on cotton fabrics an annual sum of about 525 *lakhs* of rupees or about Rs. 2-12 for each head of the population, and the fact that they are able to do this seems to speak well for the general prosperity of the province.

15. The district reports which were due to Commissioner's offices on the 1st of June were most of them punctually submitted, though exceptions must be noted in the case of the Dera Ghazi Khan and Hoshiarpur districts, the reports for which were not sent in till the 12th and 27th of August respectively.

Particularly good and complete reports have been received from the districts of Shahpur (by Mr. S. leP. T. Clifford, Extra Judicial Assistant), Jhang (by R. Clarke, Deputy Commissioner), and Hazara (by Mr. F. W. R. Fryer, Deputy Commissioner). The reports from Rohtak, Hoshiarpur, Jullundur, Gurdaspur, Sialkot, Rawalpindi, and Muzaffargarh are also good ones, and a good report by Jowala Parshad, officiating Tahsildar of Kasur, has been sent up by the Deputy Commissioner.

16. Patterns of the various kinds of cloth usually made have been forwarded from each district, and from these a selection has been made which accompanies this report.

This collection might perhaps be deposited in the Lahore Museum for general reference. The patterns sent from the Ludhiana, Jullundur, and Shahpur districts are especially good and well arranged, the Ludhiana patterns comprising a great variety of the checks and *gambroons* made in that town.

These patterns exhibit both the quality of the fabrics and the colours and patterns with which they are dyed and printed.

I have, &c.,
(Signed) E. B. Francis,
Offg. Junior Secretary to the
Financial Commissioner, Punjab.

No. 3142, dated Nagpur, the 12th May 1892.

From C. E. B. Critchley, Esq., Assistant Secretary to the Chief Commissioner, Central Provinces, to the Secretary to the Government of India, Home Department.

I am directed to acknowledge the receipt of your letter, No. 6, Judicial, 322, dated the 14th March last, forwarding a copy of a Despatch, No. 7 (Statistical), dated the 4th February 1892, from Her Majesty's Secretary of State, which gives cover to a letter (with enclosures) from the Royal Commission on Labour, and requesting that a succinct memorandum may, after proper inquiry, be drawn up and submitted to the Government of India, setting forth the information which the questions of the Commission are designed to elicit so far as they are applicable to the employment of labour on the preparation of textile fabrics in factories in the Central Provinces.

2. In reply, I am to forward you a memorandum containing the information required, together with the replies of the mill companies in the Central Provinces to inquiries made on the subject.

Memorandum on the Conditions of Labour employed in the preparation of Textile Fabrics in Factories in the Central Provinces.

There are the following factories in the Central Provinces at which labourers are employed in the preparation of textile fabrics:—

(1.) The "Empress Mills" (Central India Spinning, Weaving, and Manufacturing Company), Nagpur.
(2.) The "Swadeshi Mills," Nagpur.
(3.) The Hinganghat Mill, Wardha District.
(4.) The "Golkul Dass Ballabh Dass Cotton Manufacturing Company," Jubbulpore.

All of these are cotton-spinning mills.

2. The number of workpeople engaged in each of these mills is shown below:—

—	Male.	Female.	Apprentices, &c.	Unskilled Labourers.
Empress Mills -	2,145	477	24 (included in foregoing).	228
Swadeshi „ -	530	185	Nil	690
Hinganghat „ -	584	191	2	296
Gokul Dass „ -	379	129	3	49

The "Empress Mills" and the Hinganghat Mill Company have ginning factories in the Wardha District. The "Swadeshi Mills," Nagpur, have only recently been opened; which is perhaps the reason why so large a number of the hands are set down as "unskilled."

3. None of the mill companies is connected with any organisation of employers dealing with labour questions.

4. The Empress Mills, Nagpur, does not desire to offer any representations or information regarding wages, hours, and conditions of labour. At the same time the Company append to their reply a printed prospectus of a gratuitous pension fund started for their labourers. The Swadeshi Mills represent that recent legislation has done more harm than good to the working people by limiting the earning power of women and children. The Hinganghat Mill Company proposes that the hours of women be from 5.30 a.m. to 6 p.m., with 1½ hour's interval; and that on holidays workpeople receive half pay. The Gokul Dass Mills Company make no representations, but simply recite (*inter alia*) that in their mills workpeople are paid monthly or by the piece according to the department of work; that males earn on the average Rs. 7 monthly; females, Rs. 5; and children Rs. 3; that wages are direct, with no stoppages except small fines for damage on bad work; that adult males work from daylight to dark, and women from 7 a.m. to 5 p.m., with half an hour's interval at midday; and that children between 9 and 14 years of age are employed for 6½ hours daily. Holidays are allowed on "festive occasions" in addition to those prescribed by the Act; and full pay is given on these occasions.

5. The only mill in which there have been strikes is the Hinganghat Mill. On four occasions the workpeople struck for three days at a time on account of disagreement with the spinning master. When the spinning master resigned the people returned to work. The loss is estimated at Rs. 1,000 a day.

6. In answer to the general questions, the Hinganghat Mill suggests that Government should publish information as to the supplies and places of production of oil-seeds, jute, indigo, &c. in the Central Provinces. All the other questions under Head IV. are answered in the negative by all the mill companies.

(Signed) L. K. Laurie,
Officiating Secretary to the
Chief Commissioner,
Central Provinces.

Central India Spinning, Weaving, and Manufacturing Company, Limited.

"The Empress Mills,"
Nagpur, 5th April 1892.

I.—Introductory.

1. Ours is a joint stock company, registered in Bombay. We have a cotton spinning and weaving mill in Nagpur, which is worked all throughout the year, and small cotton ginning factories in Wardha, Shirpore, and Pohna, all in the Wardha District, which are worked for about five months in the year.

2. We have at the mills—
(*a.*) Males, 2,145.
(*b.*) Females, 477.
(*c.*) Of whom 24 are apprentices or learners.
44 girls under 14 years and above 9 years, working half time.
220 boys under 14 years and above 9 years, working half time.
(*d.*) 228 unskilled labourers.

And in the district ginning factories and other works, such as buying, stacking, baling, weighing and carrying cotton or cotton with seed, we have—
(*a.*) 169 Males.
(*b.*) 125 females, of whom about
(*d.*) 175 are unskilled labourers.

3. Our firm is not connected with any organisation of employers dealing with labour questions.

II.—Wages, Hours, and Conditions of Labour.

We desire to make no representation under any of the heads in this section. The subject has been fully considered and reported on by the late Indian Factory Commission and dealt with by the Legislature.

III.—Strikes and Lock-outs.

We have had no strikes or lock-outs during the whole period mentioned.

IV.—General Questions.

1. No system exists in our district providing for conciliation, arbitration, sliding scales, or other means of preventing or arranging trade disputes, and none has as yet become necessary.

2. No system of co-operative production, industrial partnership or profit-sharing has been attempted by our company, but a pension system has been adopted, the particulars of which have been embodied in the attached printed paper.

3. Government or local authorities are not employers of labour in our trade and district.

4. No agency exists in our district for finding or providing work for the unemployed.

5. We have no suggestions to make as to the collection and publishing by Government, of statistical and other information relating to our trade.

6. So far, cordial relations have been maintained between capital and labour in our district, and we have no suggestions to make for avoiding strikes and promoting cordial relations between capital and labour.

7. We have no other statement or suggestion to make for the information of the Commission.

Bagnia Dadabhoy,
Manager.

Central India Spinning, Weaving, and Manufacturing Company, Limited.

The Empress Mill, Nagpur.

1. The directors of this company have been pleased to open a gratuitous pension fund for the benefit of workpeople employed at the Empress Mills, Nagpur. They intend to add to it, from time to time, such sums as to them may appear fit.

2. The object of the fund is to pay, at the discretion of the directors, to those workpeople, both male and female, who have completed 30 years' service, and are no longer able to work, a pension equal to half the average monthly earnings, during the last two years of such service, but not more than a maximum pension of Rs. 5 per month will, in any case, be paid.

3. From the same fund it is intended to pay, at the discretion of the directors, to those workpeople who have completed 25 years' service, an increase of an eighth of the average monthly earnings, for the last year of such service, but not more than the maximum of Rs. 1½ per month in the shape of such increase will, in any case, be paid.

4. A printed certificate, signed by the manager, will be given to every person who shall have completed five years' service; all such certificates should be retained by such person, and produced when claiming the benefit of the increase of pay or of the pension as above provided.

5. It is to be distinctly understood that the pension will only be granted to such workpeople as are, after 30 years' service, proved to the satisfaction of the directors to be incapable of working any longer at the mill and worthy of support.

6. The increase of wages, on account of 25 years' service, will continue to be paid, even after the expiration of 30 years' service, so long as the person entitled to it remains in the service of the company.

7. All leave of absence granted to the workpeople, not exceeding in the aggregate six months in every five consecutive years, will be considered as part of service. All leave in excess of such six months in five years will not be reckoned as part of service. If a person leaves

the service and rejoins it, the term of service for the purpose of the above provisions will count from the day he rejoins or last rejoined.

8. It must be understood that the creation of the fund in question will not confer any legal right upon any employé of the company to participate in the benefit thereof, and that the directors may, at their sole discretion, at any time withdraw the said fund, or reduce it, or appropriate it otherwise than here provided.

9. The directors also reserve absolute authority from time to time and at all times to add to and alter the conditions on which the employés of the company shall have the benefit of the said fund.

JAMSETJEE N. TATA,
Managing Director.

"SWADESHI MILLS," NAGPUR.

B.—*Questions addressed to Employers.* — *Answers.*

I.—INTRODUCTORY.
II.—WAGES, HOURS, AND CONDITIONS OF LABOUR.
III.—STRIKES AND LOCK-OUTS.
IV.—GENERAL QUESTIONS.

I.—INTRODUCTORY.

1. Will you state the business or businesses in which your firm is engaged and where its works are situated? — Spinning cotton. Near Khandoba's Temple, Nagpur.
2. What number of workpeople are there engaged in your firm, particularised as follows?—
   (*a.*) Male. — 530 } about.
   (*b.*) Female. — 185 }
   (*c.*) Apprentices or other learners or young persons. — Nil.
   (*d.*) Unskilled labourers. — About 690.
3. Is your firm connected with any organisation of employers dealing with labour questions? — No.

II.—WAGES, HOURS, AND CONDITIONS OF LABOUR.

Wages.

What representation or information do you desire to offer for the consideration of the Commission under any of the following heads?—

(*a.*) Their amount and fluctuations.
(*b.*) Mode of payment—
  (i.) By the hour, day, or week.
  (ii.) By the piece.
  (iii.) By the task.
(*c.*) Payment through sub-contractor.
(*d.*) Deductions by fines or other forms of stoppage.
(*e.*) Truck or payment in kind.
(*f.*) Allowance in form of—
  (i.) Bonus.
  (ii.) Deferred pay, such as sick, accident, pension, or other insurance system.
  (iii.) Free house, land, food, clothing or other allowance or advantage.
(*g.*) Length of notice ending engagement.

As this factory has commenced to work only since January last, we are not in a position to make any suggestions in detail on the various points noted in the question. But from the little experience that we have gained we find that the change in the law regulating labour in factories has done more harm than good to the workpeople for whose benefit it was apparently intended to be made.

Working boys over 7 and below 9 have now been thrown out of work, and those over 12 and below 14 now get less wages than formerly; because they are not now allowed to work for more than six hours. Women, who are generally paid by piece-work, now get less wages than before, because their working-time has been reduced by one hour, and therefore they turn out less work than before the new Factory Act was passed.

Hours of labour.

(*a.*) Ordinary or standard hours of labour.
(*b.*) Overtime and its remuneration.
(*c.*) Night shifts, and their remuneration.
(*d.*) Sunday work, and its remuneration.
(*e.*) Weekly half holiday or other holiday with or without payment.

Conditions of labour.

(*a.*) Irregularity of employment through seasonal or other causes.
(*b.*) Safety of employment, and the lighting, sanitation, and inspection of work-places.
(*c.*) Compensation for accidents.
(*d.*) Sub-division of labour as between different trades.
(*e.*) Distribution of labour as between factories, workshops, and homes.
(*f.*) Distribution of labour as between men, women, and children.
(*g.*) Apprenticeship.
(*h.*) Employment of foreigners.
(*i.*) Introduction of labour-saving machinery.
(*j.*) Supply and quality of materials, machinery, or other plant.
(*k.*) Dismissal of representative delegates, refusal of unionists to work with non-unionists, use of black list, and mutual relations of employers and trade unions generally.
(*l.*) Other causes of dispute.

III.—Strikes and Lock-outs.

Questions.	*Answers.*
1. Can you state how many strikes and lock-outs there have been in connexion with your works in each of the 10 years, 1881–1890, and in the current year up to date?	This is a new mill, and working since January 1892, and no strikes.
2. Have such disputes been during that period more frequent than formerly or less so?	
3. Can you enumerate the important disputes, and furnish particulars in regard to each such dispute under the following heads?—	
(*a.*) Date of commencement and termination.	Nil.
(*b.*) The chief immediate causes of each such dispute.	Nil.
(*c.*) Number of workers in your employment directly engaged in each dispute.	Nil.
(*d.*) Number of persons in your employment who have been thrown out of work thereby, but who have not been directly engaged in the dispute.	Nil.
(*e.*) Attitude of associated employers towards the dispute.	Nil.
(*f.*) Mode of settlement.	Nil.
(*g.*) Advances or reduction of wages or other result of each dispute.	Nil.
(*h.*) Estimated loss to firm, direct or indirect, occasioned by dispute.	Nil.

IV.—General Questions.

1. Does any system exist in your trade in your district providing for conciliation, arbitration, sliding scales, or other means of preventing or arranging trade disputes?	No such system exists in this mill as it has just now started.
2. Has any system of co-operative production, industrial partnership, or profit-sharing been attempted by your firm, and, if so, with what results?	New mill. No such system has been introduced yet.
3. Are the Government or local authorities employers of labour in your trade and district, and, if so, with what results as to remuneration, and other conditions of employment?	None.
4. Can you supply information as to any agency in your district for finding or providing work for the unemployed?	No such agency exists as far as is known.
5. Have you any suggestions to make as to the statistical and other information relating to your trade which is, or in your opinion should be, collected and published by Government?	Nothing in particular, as our mill is a newly-started concern.
6. Can you suggest any means of avoiding or arranging strikes and promoting cordial relations between capital and labour?	No; we cannot do at present until some experience is gained.
7. Have you any other statement or suggestion to make for the information of the Commission?	Nothing for the present.

Damodar Atmaram Kalak,
Manager.

The Hinganghat Mill, Wardha District.

Questions answered, with reply against each, addressed to employers.

I.—Introductory.

1. Will you state the business or businesses in which your firm is engaged, and where its works are situated?	1. Hinganghat: spinning mill, gin factory, and oil mill. Kapse: ginning factory.
2. What number of workpeople are there engaged in your firm, particularised as follows?—	
(*a.*) Male.	584
(*b.*) Female.	191
(*c.*) Apprentices or other learners or young persons.	2
(*d.*) Unskilled labourers.	296 } 1,073.
3. Is your firm connected with any organisation of employers dealing with labour questions?	The firm has connexion with the Mill-owners' Association of Bombay.

II.—Wages, Hours, and Conditions of Labour.

What representatations or information do you desire to offer for the consideration of the Commission under any of the following heads?—

(*g.*) Length of notice for ending engagement.

Hours of labour.

(*a.*) Ordinary or standard hours of labour. — For females we propose from 5.30 a.m. to 6 p.m. with 1½ hour's intervals.

(*e.*) Weekly half-holiday or other holiday with or without payment. — We propose that holidays may be paid half.

III.—Strikes and Lock-outs.

Questions.	*Answers.*
1. Can you state how many strikes and lock-outs there have been in connexion with your works in each of 10 years, 1881–1890, and in the current year up to date?	There were four strikes since 1891 to 1890.
3. Can you enumerate the important disputes and furnish particulars in regard to each such dispute under the following heads?—	None.
(*a.*) Date of commencement and termination.	1st strike, December 26th to December 28th, 1886. 2nd strike, April 27th to April 29th, 1887. 3rd strike, March 26th to March 30th, 1888. 4th strike, November 25th to November 28th, 1889. Only one strike occurred in my time, and that was on 25th November 1889, which lasted for three days.
(*b.*) The chief immediate causes of each such dispute.	The chief immediate cause of it was that the spinning-master and the workpeople did not agree with each other.
(*f.*) Mode of settlement.	As soon as the spinning-master resigned his appointment the workpeople returned to work.
(*h.*) Estimated loss to firm, direct or indirect, occasioned by dispute.	The profit which would have been gained by the firm on the produce, if the work had not been stopped, was lost, and cost of establishment, &c. had to be borne, and which may be estimated to, say, Rs. 1,000 per day.

IV.—General Questions.

1. Does any system exist in your trade in your district providing for conciliation, arbitration, sliding scales, or other means of preventing or arranging trade disputes?	No such system exists.
2. Has any system of co-operative production, industrial partnership, or profit-sharing been attempted by your firm, and if so, with what results?	No.
3. Are the Government or local authorities employers of labour in your trade and district, and if so, with what results as to remuneration and other conditions of employment?	No.
4. Can you supply information as to any agency in your district for finding or providing work for the unemployed?	No.
5. Have you any suggestions to make as to the statistical and other information relating to your trade which is, or in your opinion should be, collected and published by Government?	I would suggest that if Government published information *re* cotton, oil-seeds, jute, indigo, &c., varieties of each article, out-turn, and the places where the commodities are produced in Central Provinces, it would be of great advantage for the trade.

Keshro Sheoram, Secretary and Manager,
Hinganghat Mill Company, Limited.

The "Gokul Dass Ballabh Dass Cotton Manufacturing Company," Jubbulpore.

I.—Introductory.

1st.—In the manufacture of cotton yarn and piece-goods; the works being situated at Ranital, Jubbulpore.

2nd.—There are in all 638 hands employed—
(*a.*) Male, 379.
(*b.*) Female, 129.
(*c.*) Apprentices or other learners, or young persons, 3.
(*d.*) Unskilled labourers, 49.

3rd.—No.

II.—Wages, Hours, and Conditions of Labour.

Wages.

(*a.*) The average wages earned monthly by an adult male may be taken at Rs. 7, by a female at Rs. 5, and by a child at Rs. 3; the fluctuations being inconsiderable, the main cause being irregularity on the part of the workmen in their attendance.

(*b.*) Mode of payment—
(1), (2), (3).—Two systems are in vogue, payment by the piece, and the monthly wage. In certain departments of the works, it is found necessary to adopt the former system, while in other departments the hands have to be paid by the month.

(*c.*) The hands are paid monthly by the firm direct, and not through a contractor or sub-contractor.

(*d.*) Nominal fines are levied on those of the workmen who may have carelessly broken their machines or produced very faulty work. The average total of fines per mensem would amount to about Rs. 20. No other stoppages are made from the wages of the workpeople.

(*e.*) Payment in money.

(*f.*) (1), (2), (3).—Allowances in form of a bonus are sometimes made in order to incite workpeople to produce as much from the machines as they have been designed to do. In case of accident to a workman he continues to draw the full amount of his salary until such time as he has been pronounced fit for duty by the local hospital authorities. No pay is given in cases of ordinary sickness where a man remains away from his duties; nor has any system of pension or insurance been adopted. Certain of the hands are housed in the mill compound free of rent, in return for which they are expected to render any assistance they can in case of fire or other emergency occurring either throughout the day or night. Besides this, they have no allowances or privileges of any kind.

(*g.*) One month's notice is required before a workman can leave the service; at the expiration of

his notice he is paid up promptly, and in full of all his claims.

Hours of labour.

(*a.*) As regards male adults, there are no fixed hours of attendance at and cessation from work, they being employed from daylight to dark throughout the year, excepting Sundays, on which they are allowed leave, or some other day in lieu.

Women are employed from 7 a.m. to 5 p.m., with an interval of half an hour at midday for meals.

Children between nine and 14 years of age are employed for 6½ hours daily.

(*b.*) When any of the workpeople are employed overtime they are paid according to the number of hours they may put in, the length of day at the time being the standard.

(*c.*) No regular night work in shifts is done.

(*d.*) No extra remuneration is allowed for working on Sunday.

(*e.*) No weekly holidays are allowed excepting those enjoined by the Act; other holidays are allowed on festive occasions, but all monthly hands are allowed to draw pay for such days.

Conditions of labour.

(*a.*) Employment is continuous throughout the year.

(*b.*) Every precaution is taken to protect life and health, and the lighting, sanitation, and general inspection is attended to by the Government Inspector of Factories.

(*c.*) Full pay is allowed to all who may become incapacitated through accident.

(*d.*), (*e.*), (*f.*), (*g.*), (*h.*), (*i.*), (*j.*), (*k.*), (*l.*)—These clauses do not apply to the conditions of labour in these Provinces.

III.—Strikes and Lock-outs.

There have been no strikes in connexion with these mills since they were started.

IV.—General Questions.

1.—No.
2.—Nothing of the kind attempted.
3.—No.
4.—No.
5.—No.
6.—No.
7.—No.

Ranital,
9th April 1892.

Arthur Wright, Manager,
Gokul Dass Bullabh Dass
Cotton Manufacturing
Company, Limited.

No. 33 of 1892.

Government of India—Home Department (Judicial).

To the Right Hon. the Earl of Kimberley, K.G., Her Majesty's Secretary of State for India.

My Lord, Calcutta, 28th December, 1892.

In continuation of our Despatch No. 21 (Judicial), dated the 28th September last, we have the honour to forward a copy of a letter[1] from the Government of Bombay, and of its enclosures, which include the replies given by Mr. N. M. Lokhunday, secretary to the Mill-hands' Association, to the C. set of questions framed by the Royal Commission on Labour, and a memorandum by the Chief Inspector of Factories, as well as a letter from Mr. J. M. Campbell, collector of land revenue, customs, and opium at Bombay, dealing with the points raised by Mr. Lokhunday.

2. The only question raised in the papers now forwarded which requires notice from us is that of the interval of rest for women employed in factories. Mr. Campbell's proposal that part of the rest required for women should be given before their day's work begins or after it has ended is inconsistent with the language of clause (3), section 6, of the Indian Factories Act, 1881, as amended by Act XI. of 1891, and the intentions of the legislature. Mr. Campbell himself admits the inconsistency, and we see no grounds for altering the law, which proceeds on the view that half an hour's rest is insufficient for a female operative during a day's work of 11 hours.

We have, &c.,
Lansdowne.
Roberts.
P. P. Hutchins.
A. E. Miller.
H. Brackenbury.
C. B. Pritchard.

No. 4,328, dated Bombay Castle, the 26th November, 1892.

From W. L. Harvey, Esq., Under Secretary to the Government of Bombay, General Department, to the Secretary to the Government of India, Home Department.

In continuation of my letter No. 3,249, dated 12th September 1892, I am directed to forward herewith, for the information of the Government of India, a letter, dated 29th idem, and its accompaniments, from Mr. N. M. Lokhunday, secretary to the Mill-hands' Association, which contain the replies of that gentleman to the C. set of questions framed by the Royal Commission on Labour and circulated with your letter No. 368, dated 14th March 1892. I am also directed to enclose copies of a Memorandum No. 191, dated the 3rd ultimo, from the chief inspector of factories, Bombay, and of a letter No. F. I.-24, dated the 1st instant, from the collector of land revenue, customs, and opium, Bombay, commenting on Mr. Lokhunday's letter and to recommend for favourable consideration by the Government of India the suggestion made by Mr. Campbell in the concluding portion of his letter quoted above on the subject of the interval of rest for women.

[1] No. 4,328, dated 26th November 1892.

Dated Bombay, the 29th September 1892.

Demi-official from N. M. Lokhunday, Esq., Secretary to the Mill-hands' Association, to the Chief Factory Inspector, Bombay.

I have the honour to forward herewith my replies to the questions addressed by the Royal Commission on "Labour Question," and to request that you will be so good as to transmit them to the Government of Bombay.

Answers to Questions marked "C." addressed to Employers' Association.

I.—Introduction.

1. Cotton industry.
2. Bombay City.
3, 4, 5, and 6. The Association I represent is composed solely of poor mill-hands. The day seems distant when from among these poor operatives any "employers" are likely to arise and found establishments for the class to which they owe their opulence. Many mill-hands are unwilling to be known as connected with our association for fear of losing their employment, so jealous are the employers of labour here of any combination among the workers for their mutual benefit.
7. No.

II.—Wages, Hours, and Conditions of Labour.

Wages.

(*a.*) No uniform system obtains in the mills. In Appendix "A." are given a few figures showing fluctuations.

(*b.*) The system here is to pay either monthly wages or by piece-work, the payment in both cases is supposed to be made after the lapse of a month, but actually it is rarely made before two months have passed. I am strongly of opinion, looking to the poverty of the operatives, who are mostly in debt, that payment should be made weekly. This is the more necessary, as, under existing factory rules, a mill-hand, if absent through sickness or otherwise for three consecutive days, forfeits all his accumulated wages for two months. The deduction of pies from the pay earned by the operatives is common even now in majority of the mills.

(*c.*) Not the practice here.

(*d.*) I would suggest that recoveries on account of fines and forfeited wages should be reserved as a fund for the benefit of mill-hands.

(e.) Not the practice here.

(f.) 1. Bonus. Only headmen of each department get it, and this in a few mills only.

2. Sick pay not allowed. Pension and insurance arrangements *nil*. It is desirable that these concessions should be accorded.

3. None allowed. It is highly desirable that cheap lodgings, and shops for sale of provisions, &c., at market rates as well as dispensaries and schools, should be provided as near the mill or factories as possible.

(g.) Thirty days' notice is given. I think 15 days' notice is sufficient for either party. But the present practice is that no notice is ever given to the operative by the employer if they want to discharge him.

Hours of labour.

(a.) The existing arrangement is from dawn to dusk. I would suggest a uniform standard from 6 a.m. to 5.30 p.m.

(b.), (c.), and (d.) If working on Sundays or at night, double the rate of wages payable during ordinary working day is allowed. This I think is fair.

(e.) For holidays allowed no wages are paid to piece workers.

Conditions of labour.

(a.) The irregularities arise mainly through breakdown of engine, boiler or shafting, &c. On such occasions, though the accident is well known to the management, yet the workmen, the bulk of whom travel daily from long distances, are required to attend the mill and to pass sometimes the whole day doing nothing and receiving nothing. This is done merely with the object of preventing them from seeking employment elsewhere. This is a hardship, and I think operatives should not be called on such occasions.

(b.) A large number of accidents are due to the placing of straps on pulleys being entrusted to unskilful hands, and this despite the words of warning addressed to employers by coroner's jury. This should be prevented and only experts should be asked to do this particular work.

The fencing of machinery is inadequate in many cases, and should attract greater attention of the factory inspectors.

As to lighting and sanitation there is much room for improvement; but this is not possible so long as the official inspection is not more frequent and the visits paid without previous intimation.

The inspection as it is performed at present does not serve the purposes for which it is intended. There must be an experienced inspector with four assistants under him. An assistant collector is not the proper person to inspect mills satisfactorily. He has multifarious duties to perform in addition to his own, and it would be too much to expect him to do this work in addition to them. He has moreover seldom any knowledge of mill industry. The work of inpection therefore, as is done at present, is of a cursory character and hence many defects pass unnoticed. I would suggest that, as in the case of the boiler inspector, Government should charge each mill Rs. 100 per year to meet the expenses consequent upon the appointment of a separate inspector and his establishment.

(c.) Compensation in the shape of full pay is allowed for a few days, and after that a nominal amount is paid until recovery of person from injuries sustained; but some suitable monthly provision is absolutely necessary in cases where workmen are maimed for life or for the support of widows or orphans in cases of deaths. The accumulation of fines and forfeited wages should, I think, be utilised for this purpose.

(d.) No remarks.

(e.) Factories 13 to 14½ hours; workshops 7½ hours and home 8 to 9 hours.

(f.) Men 13 to 14½ hours; women 11 hours; children ½ hours.

(g.) Custom does not obtain here.

(h.) No foreigners employed except in the highest appointments, such as managers, engineers, and spinning and weaving masters.

(j.) Supply not defective. As regards quality of materials I can say that the cotton used in the Bombay mills is of a short staple and hence arises the misunderstanding that an operative in England can do three times the work of an operative in India. The machinery used in old mills does not belong to new invention. But it is here and there changed for new ones. The new mills are furnished with newly invented machinery.

(k.) and (l.) This country unfortunately is not ripe yet for the adoption of any of these several methods for forcing the hands of employers in the interests of the employés. I would here draw your attention to my introductory remarks. The causes of dispute are low wages, want of holidays, and general bad managements.

III.—Strikes and Lock-outs.

1, 2 and 3.—The strikes are of frequent occurrence in every one of the mills in this city. The chief cause is the reduction of wages on the day of payment without—

(a.), (b.) Any previous intimation to workmen of the contemplated change. These strikes sometimes last for four days.

(c.) to (h.) I would here draw your attention to my introductory remarks.

IV.—General Questions.

1. No.
2. None attempted.
3. No remarks.
4. A copy of petition addressed to His Excellency Lord Lansdowne, Viceroy and Governor-General of India, on the factory labour question is annexed. Also a copy of my minutes on the subject is submitted.
5. No remarks.
6. The Indian mill-hands are a law-abiding and peaceable race; and, as a rule, more prone to suffer patiently under wrong than to seek it righted, or to dispute the authority of their employers. If, therefore, the employers observed strictly the factory laws, and only paid them regularly exactly the sum due for their labour, and reduced their wages only when necessary, and that after a proper timely notice beforehand, and conceded some of the points touched upon in my replies above, there is no reason why the most cordial relationship should not subsist between the employers and the employed in this country.
7. The mill-hands of this country, notwithstanding the roseate accounts given by interested parties of their prosperity, are, as a class, not at all thriving, owing to their extreme ignorance and addiction to the vices of a city life, specially drink. Primary education, assisted by occasional payment of honorariums for good behaviour, and efficiency in service, will go a good way towards ameliorating their condition. It would be greatly to the ultimate advantage of mill-owners to offer these inducements to their employés. It would also be worth while inquiring into whether the 15 per cent. of the operatives who are daily absent from the mills absent themselves from illness or other causes. From my own information, I can affirm that when Sunday holidays are enforced by the new Act of 1892, the cause of the absence of such alarming per-centage will be found due to nothing but illness. This view will be supported by the fact that generally the operatives working in the mills are under 40 than over 40 years of age. An uniform 11 hours' work per diem is another much-needed reform for the consideration of the Commission.

(Signed) N. M. Lokhunday.

Bombay, 28th September 1892.

APPENDIX A.

	Old Mills' Rates.	New Mills' Rates.
Mixing	Rs. 10 to 15 per month	Rs. 12 to 15 per month.
Blowing	Rs. 10 to 11 ,,	Rs. 10 to 11 ,,
Carding	Rs. 10 to 13 ,,	Rs. 10 to 13 ,,
Throstle's piecer	Rs. 9 to 10 ,,	Rs. 9 to 13 ,,
,, doffer	Rs. 6 per month	Rs. 6 to 13 ,,
,, ,, under age	Rs. 4 ,,	Rs. 4 to 13 ,,
Frame doffer	Rs. 5 to 6 ,,	Rs. 6 to 13 ,,
Drawing frame tenter paid on hanks at	10 pies per hank	2½ pies per hank.
Slubbing frame	14 ,, ,,	11 ,, ,,
Intermediate	15 ,, ,,	12 ,, ,,
Roving	16 ,, ,,	11½ ,, ,,
Mule spinner at	3 ans. per 100 lb. of 20 s.	2 ans. 8 pie per 100 lb.
,, piecer ,,	2 ,, ,,	1 an. 6 pie ,,
,, assist ,,	0 22 pies of 20 s.	1 an. 5 pie ,,
Creeler	Rs. 11 per month	Rs. 6 per month.
Reeler at	Rs. 1–8 per 100 doffs of 20 s.	4 ans. for 20 doffs.
Winder	5 ans. per 100 lbs.	
Warper	Rs. 3–3 per 100 lb.	
Sizer	15 ans. per 1,000 lb.	
Drawer and assistant drawer at	Rs. 1–6 per 1,000 ends.	
Heald knitter	Rs. 1–4 per sett. By hand.	
,, ,,	10 pies ,, By machine.	
Weaver up to 20″	5½ pies per lb.	
,, from 21″ to 30″	5 pies ,,	
,, ,, 31″ upward at	4½ pies ,,	

To His Excellency the most Honourable the MARQUIS of LANSDOWNE, G.M.S.I., G.C.M.G., G.M.I.E., Viceroy and Governor-General of India.

The humble petition of the undersigned operatives employed in the spinning and weaving mills in the city of Bombay,

Respectfully sheweth,—That your Lordship's humble petitioners have watched with keen interest the discussion that is being carried on at present in the matter of affording relief by legislative enactment to the thousands of operatives—men, women, and children—employed in the mills in this city, and who do stand in need of protection from the State in several respects. They are grateful to Government and to those philanthropic gentlemen who are working in their behalf to improve their condition.

2. That your Lordship's petitioners have learnt with great concern that it has been attempted in some quarters to misrepresent their exact wants, and to insinuate that your petitioners are either indifferent to or do not feel the necessity of any direct measures of protection against their employers. Your humble petitioners, therefore, respectfully venture to approach your Lordship with the following few lines which they most respectfully beg that your Lordship will be graciously pleased to lay before the Secretary of State.

3. That the following resolutions were unanimously adopted by the mill-hands of Bombay at a public meeting held on the 23rd and 26th September 1884, giving expression to their grievances:—

I. That all mill-hands be allowed one complete day of rest every Sunday.

II. That half-an-hour's recess be allowed them at noon every working day.

III. That work in mills should commence at 6.30 a.m. and cease at sunset.

IV. That payment of wages be made not later than the 15th of the month following that for which they have been earned.

V. That a workman sustaining serious injury in the course of his work at the mill, which may disable him for a time, should receive full wages until he recovers, and that in case of his being maimed for life suitable provision be made for his livelihood.

4. That these resolutions were laid before the Factory Commission then sitting in Bombay, who, after due inquiry considered the prayers of your Lordship's petitioners reasonable, and therefore supported them in their report. The Government of Bombay were also pleased, in forwarding the report to the Government of India, to give their approval to the recommendations of the Commission in which the grievances briefly set forth above were recognised.

5. With reference to the foregoing resolutions your petitioners submitted the following few observations explanatory of the views entertained by the meeting respecting the concessions prayed for, and they now beg leave to recapitulate the same here.

6. Your Lordship's petitioners submit that the concession for weekly rest asked for is a moderate demand, and will, your Lordship's petitioners are sanguine, prove advantageous to both the employers and the employés:

(1.) The employers would derive benefit by securing a body of healthier operatives, who, working with energy, would turn out work satisfactorily both as to quantity and quality.

(2.) The prayer contained in the first resolution, if granted, would further afford the workmen the much needed opportunity of attending to their household duties, for which they have no time at present, notably for making purchases in the market which the present unseasonable hours of attendance prevent them from doing. The result of this is that the necessaries of life are bought from hawkers who charge exorbitant prices and supply inferior articles.

(3.) The loss to millowners from over-taxing the energies of their servants by the unnatural system of incessant work for nearly 13 to 14 hours a day is far greater than they are aware of.

(4.) In the whole of British India, Sunday is considered a privileged holiday. The mill operatives not obtaining leave on that day cannot afford to meet their relatives or friends, who are otherwise employed, and who enjoy rest on these days.

(5.) It has been alleged in certain quarters that there is no necessity for giving regular holidays in the month to the mill operatives, as they have many days of rest during their caste festivals, and that their work is limited to about 300 days in the year. This your petitioners humbly submit is an exaggeration, and is wholly incorrect. At the most, the operatives enjoy about 11 days in the year on account of their religious festivals.

(6.) A painful fact to relate is that if, on account of sickness or any other cause such as buying provisions on receipt of their wages, an operative absents himself from work, he loses for one day's absence two days' pay under the mill regulations, a statement which can be easily verified by a reference to the muster rolls kept in the mills.

7. With regard to the second resolution your petitioners would submit that, although the so-called half-an-hour's recess at mid-day already obtains in the mills, yet it is granted grudgingly, and when it comes to be closely looked into, the grace is found to consist of from 15 to 20 minutes only. Much of this scanty recess is again taken up by the present system of delivering up tickets at the time. This latter inconvenience can, your petitioners humbly submit, be avoided by dispensing with the noon-day delivery of tickets, and substituting for it the checking of ticket

numbers off the muster-roll by the timekeeper going the round among the operatives at work.

8. The uncertainty at present prevailing in regard to the hour for starting work is embarrassing to a degree, and is the source of great inconvenience and discomfort to your petitioners. A fixed and uniform hour of attendance is therefore greatly needed.

9. A fixed time for the payment of wages has been suggested in order to obviate the great hardship felt by the operatives, who as a rule save nothing and are mostly involved in debt. The great delay in the payment of wages adds largely to their embarrassments. Your lordship's petitioners respectfully submit that if the millowners desire to have a sort of hold on their servants—to prevent desertion, for instance—the necessities of the case would be fully met by their retaining in their hands a fortnight's pay of the men in arrears. Speaking about wages, your petitioners feel constrained to remark passingly that cases in which the employers illegally withhold the hard-earned pay of the poor are so frequent that a reference to the Court of Small Causes will convince Government that wages are in many cases recovered only by recourse to the courts. But hundreds of operatives forego their wages on account of the trouble involved in appealing to the judges. The many strikes in the mills will, on inquiry, be found to be attributable either to the withholding of the wages in this manner, or to threatened reductions in them.

10. It has been said, to the detriment of your petitioners, that an Indian mill operative is not as hard working as his brother workman in England, and that a mill operative in England does the work of three men employed on the same work in an Indian mill. It is extremely discouraging to find such an opinion held by those to whom the workmen look up for the amelioration of their condition. The real cause of this, your lordship's petitioners submit, is the bad machinery and the bad raw material used in the mills. It is true that three men are required to manage a machine, but these three men, it should be borne in mind, do their work for long hours without intermission, and in an enervating climate, on poor wages, equal—taking all the circumstances of the two countries into consideration—to one-third the earnings of the European workman, and perform their task without the many facilities afforded in England calculated to lessen the burden of workmen and to preserve their constitution against a premature breakdown. The breakage in the thread, for instance, is so continuous here on account of the bad quality of the cotton that millowners are compelled to employ more men. If the cotton were of good quality and the concessions which are given to the English mill-hand were granted here, one man could manage a machine as well as an English operative.

11. Lastly, in regard to accidents, the claim is urged in the interests of humanity. The distress brought about by a person being maimed for life or even for a few months is insufferable, and some relief to mitigate the sufferings and hardships seems needed, and your lordship's petitioners humbly submit for consideration whether the amounts of mulcts and forfeited wages cannot advantageously and with propriety be appropriated for this humane purpose. The necessity for this is, your petitioners are glad to mention, recognised in some mills, where the sufferers are adequately provided for. Among a people not yet alive to the advantages of provident funds of mutual benefit societies, some arrangement for affording relief to the cripples is, your petitioners submit, much needed.

12. That in thus laying before your lordship their humble prayers, your petitioners are conscious that they have far from adequately represented their wants. They have hopes, however, that your lordship, with the real facts before you, will make allowance if this humble representation fails in completeness. What your petitioners pray for especially is sympathy and fairness towards the poor workmen who are ill able to make themselves heard against the influential voice of their powerful employers. The solicitude of Government in instituting the present inquiries into the real condition of the operatives gives your lordship's petitioners confidence that their interests will be carefully watched in the course of amending the Factory Act.

And your petitioners as in duty bound will ever pray.

Bombay, the 24th October 1889.

Appendix.

Opinion of Mr. N. M. Lokhunday, Local Member of the Factory Commission for the Bombay Presidency, and President of the Mill-hands' Association.

From the evidence of the mill-hands before the Factory Commission, it can be safely gathered that the operatives almost all agree that they necessarily required leave every Sunday, both for their convenience as well as for the benefit of their health. The want of one day's rest in every week tells on their health, and consequently they are obliged to remain at home without leave frequently. This voluntary absence costs them two days' wages. The millowners, in their report of last year, admit that mill-hands on an average attend to the work only 300 days during the year. The mill-hands, too, admit that they absent themselves 60 to 65 days in the year. From this it can be gathered that they exact from the millowners the leave not granted them willingly, though it causes them to lose two days' wages for one day's absence. I therefore do not see any objection to granting one day's rest in every week to the mill-hands to prevent hardship to either parties. Moreover, the Millowners' Association, in their reply to the letter of the mill-hands' president and secretary, dated the 13th June 1890, said that the association have resolved to close their mills every Sunday, and for the cleaning machinery they will stop their mills every Saturday at 4 p.m. I beg to copy here the whole letter for the information of Government:—

To D. C. Athaide, Esq., N. M. Lokhunday, Esq., Bombay.

The Millowners' Association,
Bombay, 13th June 1890.

Dear Sirs,

I am directed by the committee of the Bombay Millowners' Association to acknowledge the receipt of your letter of the 23rd April last, and to subjoin, for the information of the memorialists, a copy of the resolution passed at a general meeting of the members of the association held on the 10th instant.

"That the chairman and secretary of the mill operatives' meeting, held on the 20th of April 1890, be informed that the association cannot comply with the request in their memorial to cancel the resolution to close the mills for eight days per month for three months; but that on the expiration of the three months, the members of this association think it desirable to close their mills for one day in every seven, such day to be Sunday in each week, unless some native festival intervenes of such interest to the majority of the operatives that it is desirable to observe it as a holiday in lieu of Sunday. Further, that on the day preceding the weekly holiday, the mills will close two hours earlier than an ordinary working day, for the purpose of cleaning the machinery."

I am, &c.
(Signed) John Marshall,
Secretary.

As regards convenience, the mill-hands, like other people, have to see their relatives and friends and to buy their provisions. Dockyards, printing presses, railway workshops, Government workshops, and merchants' offices, &c., are all closed every Sunday. The mill-hands have their relatives and friends employed in them, and it is only natural that they should, like other workmen, like to see one another; and besides this, by closing all the mills on the same day, most of their relatives and family members working in different mills can enjoy the weekly holiday. Now-a-days the mill-owners give holidays to their mill-hands at their discretion; but this arrangement does not suit them, and they have therefore recourse to absence without leave, in order that they may enjoy one holiday along with the other members of their family and their friends who get holiday on that day. Thus, by closing mills on the same day, the millowners will have more regularity in their servants, and the latter no loss of two days' wages for one day's absence. This one day's rest on every Sunday will, moreover, enable the mill-hands to make their purchases themselves. At present, in the absence of a weekly holiday, they are obliged to buy their articles of food and clothing at the highest rates, and even at such rates they get inferior things. This is the most important matter for Government to decide. It is shocking to learn that mill-hands' hard-earned money should be wasted away in this way for want of a holiday in the week. Sunday is not only Christian day, but it is observed by Hindus also as their religious day. The god *Khandoba* or *Kulswami's*

favourite day is Sunday. Almost all the mill-hands are the devotees of this god *Khandoba*. It will not, therefore, be considered as an innovation to grant Sunday as a holiday to the Hindus, as this custom has been observed from many years, and has since the benign rule of the British become a general holiday for people of all creeds, classes, and religions. So it is not fair to leave the weekly day of rest to the discretion of millowners. The mill hands should have a full day's rest every Sunday, and for this legislative enactment is necessary. The letter which I have copied above from the Millowners' Association, ought to minimise any opposition to my recommendation. And it is to be regretted that the Millowners' Association, notwithstanding their decision to close their mills every Sunday since July last, have not insisted upon a compliance with their order, because not a single mill-owner has acted up to it. Some closed their mills twice a week when the yarn and cloth market was dull, but others, having an eye only on their little profit, refused to close their mills at all. This will point out the necessity of a legal enactment to close the mills every Sunday by law. There are some mill agents who wish to close their mills every Sunday, but they cannot act up to their wishes as other millowners do not wish to join them. It may be here passingly mentioned that the mill-hands at Ahmedabad, Cawnpore, and Calcutta are allowed four days in the month. It is all the more necessary that one uniform system should prevail all throughout British India.

2. The time of attendance at the mills from early dawn to dusk requires to be regulated, as it causes immense inconvenience to the operatives. These uncertain hours leave them very little time to attend to their domestic business. Many witnesses have shown their desire to have the time fixed, but they do not appear to agree as to its duration. In my opinion the time should be fixed from 6 a.m. to 5.30 p.m., and out of those hours one hour's recess is necessary—half-an-hour at 9 o'clock, and half-an-hour at 12 noon. By giving half-an-hour's leave at 9 a.m., the mill-hands will have leisure sufficient to take their meals outside the mills, or, as is the case at present, may take them in their own departments, but the present system is dangerous to the health. To eat food while machinery is working causes dirt and fluff to mix with the food. These contain the germs of the diseases which are generally contracted by the mill-hands, such as fever, cough, dysentery, and consumption. Female operatives generally complain of head-ache. If the millowners will arrange separate sheds for the benefit of their mill-hands, I think a great deal of sickness will thus be spared. By working in the dark morning and evening, the production of yarn, &c., is for the most part bad, and simply increases the waste department. Mill-hands, too, do not attend properly to their machines at these hours. The fear of accident during dusk, and the long hours of work, make them more anxious to go home, and less attentive to their work. Under these circumstances the limitation mentioned above is sure to be productive of good results.

3. As regard recess during day, if the Government will not see their way to give one hour's rest as suggested, then I may be permitted to say that the time allowed at 12 noon should be at least full half-an-hour, and not, as at present, about 10 to 20 minutes. Mill-owners in their rules say that they close their mills at 12 noon for half an hour, but from the evidence of the several witnesses we have heard it will be found that they get from 10 to 20 minutes only.

4. It is necessary that a day should be fixed for the payment of wages to the mill-hands. To retain two months' wages in the hands of the millowners is, in my opinion, a great hardship. The present system of payment entails great hardship, and is productive of indebtedness. If a mill-hand absents himself for three days successively, he forfeits the whole of his two months' wages for such absence, and this, in my opinion, is not fair. There is no scarcity of hands. Labour in Bombay Presidency is superfluous, and the mill-hands in their evidence say that men are not wanting to take up their places during their leave or absence. I leave it, therefore, for Government to deduce the object of the millowners to deprive these poor men of their two months' wages on account of three days' absence. To avoid all this hardship and indebtedness, I would suggest that the mill-hands should be paid on the 15th of each month. Here I may be permitted to take the opportunity to point out the humane conduct of the owners of Ahmedabad mills, who pay their mill-hands their wages every week, only retaining one week's wages for security, and to wish that the Bombay mill-owners followed the example of the Ahmedabadies. This system is highly commendable, and it keeps off mill-hands from incurring debts on account of late payment. In England and other places workpeople get their wages every week, a system which enables them to regulate their expenses and be free from indebtedness. Here I may take this opportunity to differ from those who hold the view that the Indian mill operative is in better circumstances than his brother operative in England. Constitutionally, financially, and in an educational point of view he is much inferior to the mill operative in England. I may safely affirm here that an Indian male adult is equal in constitution to the female adult operative in England, while in financial and educational matters there can be no comparison whatever between the operative in India, and his brother operative in England; and it is, therefore, all the more essential that the interest of the mill-hands should be watched by Government and their labour regulated by legal enforcements.

5. As regards children, the provisions of the Factory Act of 1881 are not strictly carried out, and this can be seen from the evidence given before the Commission. Full work is exacted from children under the age of 12 years. This, to say the least of it, was never contemplated by law. The limit of twelve years fixed by the Factory Act must be raised. Medical men, as well as factory inspectors, must find it difficult to detect the age of young children, as boys of nine years of age would, in order to get work, make false statements with regard to their age, and pass for boys of twelve years old, and thus the Commissioners found many instances in which boys nine years old were certified as boys of the age of twelve. It is better, therefore, for the preservation of young children's health that their age be raised up to fifteen years. At this age there will be no harm to take full time work. Under fifteen and above nine years of age, half-day's work can be exacted safely. For the children who work half-day, there ought to be a primary school attached to each mill for their education, say, at least for three hours. Most of the Ahmedabad mills engage children under age, and I do not see any difficulty to get such children in Bombay to work in two sets or batches, one to be relieved by the other. The Factory Act of 1881 is not properly carried out with respect to children. On visiting the mills, the Commission found several under-age children working full time. It seems to me that greater strictness must be observed in issuing certificates to boys and girls. The best course would be to give a description of the boy and girl in every certificate, and to give the weight as well. This will prevent bigger boys personating younger ones in order to get the certificates; another course which I suggest is to have photos taken of the boys passed by the doctors.

6. Regarding females who work in the Bombay mills, their time should be limited to ten hours, say from 7 a.m. to 5 p.m., with an hour's recess. In Bombay mills females generally attend at this time to their work, so there should be no objection to regulate by law their hours from 7 a.m. to 5 p.m., as in many instances women were found to attend to their work at 6 a.m.

7. From the evidence of the mill operatives, it is plain that they grievously feel the want of a dispensary attached to every mill, and a competent medical officer in charge of it. The present system, moreover, of carrying injured persons to hospitals situated at a long distance is a dangerous one. Injured persons should be treated there and then without loss of time, and if necessary may be removed to hospital. By having dispensaries at each mill, the mill-hands will not be backward in making use of it. In the absence of a dispensary, the poor people use country medicines, and may go without any medicine at all, and thus lose their health, or even die. To defray the expenses of the dispensary, and the primary school attached to each mill, the fines and forfeited wages should be utilised. Such money is always formed into funds and used for similar purposes in other factories. If the fund is not adequate to the expenses incurred, each mill hand should be made to subscribe to it, and I think half an anna every month will be willingly paid by them.

In conclusion, I may summarise my suggestions as follows:—

1. The mill-hands should get one complete day's rest every Sunday.
2. The time for working should be limited from 6 a.m. to 5.30 p.m.

3. If practicable, one hour's recess should be given during the day—half an hour at 9 a.m. and half an hour at 12 noon; if not, at least half an hour's complete rest at 12 noon.
4. The payment should be on the 15th of each month. I also suggest that weekly payment is preferable, and will do good to the people.
5. Children from 9 to 14 should work half time. From 15 years full time may be exacted.
6. Females should work from 7 a.m. to 5 p.m.
7. To provide for injured or sick persons a suitable dispensary should be attached to every mill, and a school to educate children, if Government consent to permit under-age boys to work half time.

If the above points are fairly attended to in the Factory Act now to be amended, I think the mill-hands will have no cause to complain. Death-rate among them will be very low, and impediments to progeny will be removed, as from the evidence obtained from the operatives it was found that most part of the adult operatives engaged from childhood in the mill industry had no progeny, and the few that had was an enfeebled character. If proper attention is therefore given to the points mentioned above, a number of lives will be saved, and a more healthy generation of workmen will be obtained in future.

(Signed) N. M. LOKHUNDAY.

Bombay, the 8th November 1890.

Memorandum No. 191, dated Bombay, the 3rd October 1892.

In forwarding Mr. Lokhunday's replies to the queries of the Labour Commission, undersigned has the honour to remark as follows:—

II. 3. (*b.*)—The question of preventing these accidents is at present under consideration. The fencing of the machinery is seldom defective; the machines are provided with guards when they are sent out from England, and the inspector has chiefly to see that these are replaced when worn out.

The insinuation that the factory inspector at present gives previous intimation of his visit to the managers of the mills is absolutely untrue. Mr. Lokhunday does not point out in what way the present inspection "does not serve the purpose for which it was intended." He says it would be too much to expect the assistant collector to do this work of inspection, nevertheless, it is expected, and is done. The only point in which assistant collector is at a disadvantage is that he is not able to pay surprise visits at all times of the day; this part of the work is therefore chiefly done by the special factory inspector. As regards Mr. Lokhunday's proposed five inspectors I have only to remark that there are only about 120 factories in Bombay that are liable to inspection. As regards the attached petition to his Excellency the Viceroy, the first two demands made in paragraph 3 have been granted by the Factories Act of 1891.

As regards Mr. Lokhunday's Memorandum of 8th November 1890, I may remark that the mill-hands now, under the Act of 1891, get one day's rest a week and half an hour's rest between 12 noon and 2 p.m. every day; that children between 9 and 14 work half time only; and women work for 11 hours only, between 5 a.m. and 8 p.m., with a rest of 1½ hours.

(Signed) A. M. T. JACKSON,
Chief Inspector of Factories,
Bombay.

No. $\frac{\text{F. I.}}{24}$, dated Bombay, the 1st November 1892.

From J. M. CAMPBELL, Esq., Collector of Land Revenue, Customs, and Opium, to the UNDER SECRETARY to the Government of Bombay, General Department.

IN forwarding the answers received from the President of the Mill-hands' Association, I have the honour to note that it would have been both more natural and more convenient if Mr. Lokhunday's answers had been given under class A., questions addressed to Trades' Unions and not under class C., questions addressed to Employers' Associations. If this course had been adopted, Mr. Lokhunday's somewhat unsuitable introductory remarks would have been avoided.

2. Mr. Lokhunday accounts for the small number of mill-hands who belong to his association by the workers' dread that to join the association means to incur the displeasure of the millowners. I have no knowledge of any instance in which the fact of belonging to Mr. Lokhunday's association has been made ground for the threatened loss of employment. My information is that to describe the mill-hands who at times consult Mr. Lokhunday as an association is somewhat misleading. I understand there is no body of members united by the payment of a regular subscription or by any fellowship in considering questions of importance to mill-hands. Workers out of employment or who feel aggrieved come to Mr. Lokhunday and consult him. Beyond coming to Mr. Lokhunday for advice, I believe there has hitherto been no common bond of union or association.

3. As I ventured to suggest in paragraph 4 of my letter $\frac{\text{F. I.}}{4}$ of 26th July 1892, the explanation of the fact that mill-hands have not hitherto formed themselves into unions or associations, as those terms are ordinarily understood, seems to be—

1st.—That the maintenance of high wages by amicable arrangement has hitherto prevented the need for combined action among the workers.
2nd.—That the mill-hands are not yet prepared to trust the management of their interests to strangers over whom they feel they have no sufficient hold or control.

4. II. 1, 6. *Delay in paying wages.*—As noticed in paragraph 10 of my report I find the charge that wages are not paid till two months after they are due, to be an overstatement; at the same time, as noticed in paragraphs 10 and 18 of my report, I agree with Mr. Lokhunday that the existing delay of five or six weeks in paying wages is excessive; that it tends to force new hands, and hands returning from leave, into debt—an evil of extreme gravity; and that in spite of difficulties, such arrangements should be introduced as are in force in up-country factories and in Bombay foundries and many mills, other than spinning and weaving mills, for securing the payment of wages a fortnight after they fall due.

5. With regard to Mr. Lokhunday's remarks under D, advocating the setting apart of fines as a mill-hands' fund and under *f* 2 recommending the institution of pension and insurance funds, cheap lodgings, shops, dispensaries, and schools, as stated in paragraph 16 of my report, I venture to think that arrangements of this class cannot either wisely or fairly be demanded from the owners of mills.

6. As in England, and in Mr. Tata's mills in the Central Provinces, a beginning in such matters must be left to wealthy and independent millowners. If the changes are found to work without involving an undue financial burden, the managers of other mills might be invited, perhaps in time they might be compelled, to introduce similar institutions. In the present state of the Bombay mill industry I do not think it advisable, either in the interests of the millowners or of the workers, to insist on elaborate arrangements which would be costly and difficult to work, and at the same time prove an easy source of mismanagement and fraud.

7. It is natural that reading of the success of such institutions in countries with a higher standard of comfort and of forethought among the workers, and of duty among the employers, Mr. Lokhunday and others in his position should long to see the introduction into Bombay of pensions, insurance, and model lodgings; I see no reason to suppose that such changes can with advantage be introduced either suddenly or under compulsion. In considering the urgency or even the feasibleness of such changes, it is to be remembered that no corresponding provisions or special arrangements exist in connexion with any other occupation open to the class to which the mill-hands belong. It is true that home-work has advantages over factory work, and that as a set-off it is proper that factory hands should enjoy countervailing advantages. A beginning has been made with schools and to a smaller extent with medical aid. Still in the present state of the Bombay mill industry, I venture to think it premature to consider the endowment by millowners of pension and insurance funds or the establishment of model houses, shops or dispensaries other than counsels of perfection.

8. *Length of notice for ending engagement.*—Mr. Lokhunday thinks the term of notice to be given by a worker should be reduced from 30 to 15 days. He states that no notice is ever given to an operative by his employer if the employer wants to discharge him. As regards summary dismissal, it appears (paragraph 11 of my report) that summary dismissal, except for misbehaviour, is unknown. The conditions have hitherto been such that dismissal on other grounds than misbehaviour has been contrary to the employer's

interest. There seems to be fairness in Mr. Lokhunday's contention that, apart from misbehaviour, workers should be entitled to the same length of warning which employers enforce in their own interests.

9. *Hours of Labour.*—Instead of the present practice of working from dawn to dusk, Mr. Lokhunday would prefer to limit the hours of labour to between 6 a.m. to 5.30 p.m. The advantage of certainty as to the hour of beginning work, which the proposal would secure, seems to be outweighed by the freedom from waste of working time, which the present rule of working from dawn to dusk ensures. With the compulsory rest of half-an-hour a day and one day a week in the case of adult males, no further shortening of the working day seems to me advisable. So far as I can judge, any fresh lessening of the hours of work would be contrary to the interest of the workers even more than of the employers.

10. *Conditions of Labour.*—Under (*a*) Mr. Lokhunday complains that when a breakdown of machinery occurs, instead of being told not to come, workers are expected to attend the factory. Mr. Lokhunday assigns as the reason for this rule that the mill managers are afraid that if not called to the mill the workers will go elsewhere. Seeing that if workers left under such circumstances, they would, according to his own showing, forfeit more than two months' back pay, Mr. Lokhunday's explanation seems somewhat wide of the mark. The facts that there is generally room for a day's work in polishing and cleaning, and that in most breakdowns the hope remains that the machinery may promptly be put to rights, seem sufficient explanation of the practice requiring the workpeople to attend before the repairs are completed. I do not think any interference on this point is wanted or that a rule forbidding the attendance of workers during the repairs of machinery could be enforced.

11. (*b*) *Accidents.*—As noticed in the Chief Inspector's forwarding memorandum, the question of accidents from replacing straps has been receiving attention. The cause of accidents is generally the rashness of the workers.

As the millowners are anxious to introduce the necessary rules and restrictions, an early settlement may be expected. Mr. Lokhunday's remarks that the fencing of machinery is not cared for, must, I think, be due to some misunderstanding. The proper fencing of machinery has for years received constant and careful supervision, with such success that the Returns of Accidents show that during the past five years no accident has occurred from insufficient fencing. Suitable arrangements are in progress, to establish a proper standard for sanitation and lighting.

Under these heads nothing further seems required. I do not agree with Mr. Lokhunday that the First Assistant Collector is not specially suited to be Chief Inspector of Factories. Besides the recommendation of economy, it is of the greatest benefit to factory inspection to have the check and supervision of an officer of the standing and training of the First Assistant Collector. The fitness of the First Assistant Collector for the office has now for several years been fully borne out by the efficient and painstaking supervision exercised by a series of first assistants. The necessity for mid-day visits, to which the new rest rules give rise, has been met by the appointment of a factory inspector subordinate to the Chief Inspector. I see no call for any further outlay on establishment, and do not think it either necessary or advisable to levy a fee on each factory to be paid in salaries to a staff of assistant inspectors. My proposals in this matter are before Government.

12. *Strikes.*—Mr. Lokhunday says strikes are of frequent occurrence in every mill owing to reduction in wages without a warning. I understand that the explanation of the apparent contradiction between Mr. Lokhunday's statement and those which I had the honour to submit in my previous letter is that Mr. Lokhunday ranks as strikes the refusal to work for a day or two of a section of the operatives in a mill—a practice to which they resort on many trivial grounds. This practice does not affect the accuracy of the statement that any general stoppage among all the workers of a factory, still more any organised refusal to work among the operatives of several factories at the same time, is of very rare occurrence.

13. *General Questions.*—(7.) I trust I have proved in my report—

First, that compared with other members of the class of the community to which they belong, the mill population is thriving; and second, that as a class mill-workers are not justly open to the censure either of extreme ignorance or of viciousness. The bulk of them are landowners and tenants who keep up a close connexion with their lands and villages, sending large sums yearly to free their lands from burdens and to add to their holdings.

Mr. Lokhunday seems to hold that the pressure of their work tells so severely on the mill-hands that on an average 15 per cent. of the number stay away sick, and the bulk die or are past work at forty. My information is that the reason for the former large proportion of absentees was partly lengthened absences at their homes and partly when in Bombay, that as they worked on Sunday they could afford to take a day's rest when it suited them. If, as Mr. Lokhunday states, it is the fact that since the weekly rest-day has been enforced, the practice of staying away has ceased, the reason seems to be not improvement in health, but the fact that the withdrawal of pay for 52 days in the year makes their absence on other days a serious consideration to the workpeople.

As regards the disappearance of elderly workers, I regret I am not in a position to say how far the average age of adult workers is abnormally low. My information is that the average age is not notably lower than in English factories. If the average is abnormally low, one strong influence which makes for this result is not the too early exhaustion of the workers' powers, but because the larger number of the operatives, being nearly as much field-workers as mill-workers, they look forward to retiring and ending their days as cultivators in their native villages.

14. Mr. Lokhunday proposes a uniform day's work of 11 hours. In the case of adult males, I see no justification for an interference which would imply very serious loss both to the millowners and to the workers. In the case of women workers I would strongly favour the introduction of an arrangement by which the 1½ hour's rest required by the Act on the full 11 hours' day might be divided, so that the mid-day rest would be reduced to half-an-hour and the one hour remaining be deducted either half at the beginning and half at the end of the day or the whole hour be allowed at the end of the day. This alteration would be welcomed by the mass of workers, both male and female. The women find 1½ hours in the middle of the day an unnecessary and inconveniently long interruption, and both men and women know how greatly their comfort would be increased if the women could reach their homes an hour before their husbands. It may be said a practical objection to this proposal is the difficulty of enforcing the grant of an hour's rest at the close of the day. So long, it may be urged, as mills cease to work at dusk, and use no artificial light, the danger of overtime working is slight. But if under the rules women are allowed to leave an hour before dark, the enforcing of this concession will require stringent inspection. In reply it is to be noted that a similar difficulty exists in the way of enforcing the full hour or hour-and-half mid-day rest. In fact, the difficulty of enforcing the 1½ hour's mid-day rest is much greater, since in the middle of the day, so soon as the first half hour is over, the women are anxious to resume work, while the bulk of them would object to be kept at work in the evening after they had a right to leave. In these circumstances could I have thought it conformable to the Act to allow a portion of the rest time to be granted either at the beginning or at the close of the day, I would have submitted the proposal for the favourable consideration of Government. I therefore take advantage of this opportunity to express the opinion that it would be in accord, both with the wishes and with the interest of the women workers, if they were allowed to limit their mid-day rest to half-an-hour and to enjoy the remainder of the rest either at the beginning or at the end of the day.

APPENDIX ON THE MIGRATION OF LABOUR.

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A.—Introduction.

1. Comparatively recent origin of the immigration question.

Professor Schönberg has distinguished between immigration and colonisation by pointing out that whereas colonists help to establish a commonwealth, immigrants come into a commonwealth already established. Further, if this commonwealth is established in the midst of an alien race, the colonist proper will maintain his nationality, language, and institutions, whilst the immigrant must be prepared to adopt those of the country in which he intends to reside. If this distinction is to be maintained, it follows that the beginning of immigration proper, as far as the United States are concerned, cannot be placed further than a century back, and that in the case of some of the colonies the immigration period has been as yet of very short duration, and in others can hardly be said to have commenced. Whilst the colonial period lasted, the only interest at stake was that of the countries sending out colonists, and the only question for economists was whether the relief afforded to congested districts, the expansion of trade by the creation of fresh markets, and the fresh outlets for the investment of the accumulated capital of Europe counterbalanced the drain upon her effective population caused by the migration of a large part of her citizens at the most productive period of their existence. German economists especially have pointed out that the large per-centage of men amongst emigrants is a serious loss to the industrial as well as to the military power of a country, and that it has not been shown either that emigration takes place for the most part from the thickly-populated districts, or that it constitutes any permanent remedy for over-population. On the contrary, though the sudden migration of any considerable number of inhabitants will effect a temporary amelioration in the condition of those remaining, as, for example, in Ireland after the potato famine, the increase in the birth rate due to improved industrial conditions in most cases speedily ensures a return to the previous condition. This accelerated increase of population has been especially remarkable where there has been an outflow of population sufficiently steady to afford a basis for forecasting the industrial conditions likely to ensue. The expansion of trade, and the consequent stimulus given to home industries by increased foreign and colonial consumption, remains, therefore, the main ground for regarding the migration of population as an advantage to the countries sending out emigrants, and it is clear that the nation sending them to its own colonies will reap a larger share of those economic advantages than the nation whose subjects become citizens of an alien country. Leaving, however, the countries from which the emigrants come to be dealt with from this point of view in later reports, the question of colonisation or immigration is here touched on only from the point of view of the countries to which they go. With regard to these it will be clear that as long as a commonwealth is in process of establishment the demand for labour will be sufficiently great to absorb almost every class of immigrant, skilled and unskilled alike. It is not until the colonial period has been left behind and the immigration period considerably advanced that there appears a tendency to discriminate between different classes of immigrants and to demand certain restrictions upon immigration in the interests of the nationalities receiving it. It is in this sense that Professor Mayo Smith has said that immigration is a question belonging exclusively to the latter part of the nineteenth century.(1)

2. Demand for labour, and different methods of procuring it.

In the early period, whether of American or colonial history, there was less question as to the kind of labour required than as to the methods of procuring labour of any kind. In tropical or sub-tropical colonies, such as the West Indies and Guiana, the abolition of slave labour necessitated the importation of coolie labour to take its place; in the United States, and still more in South America, the long continuance of slavery deferred that necessity until the country had reached a stage of political and industrial development which scarcely admitted of such a remedy. In the more temperate climates, for which coolie labour would have been ill adapted, the demand for labour led to the employment of convicts, as in Australia; to the system of indented servants, as in Canada, and at an early period in the United States; to the granting of free or assisted passages; and finally, where these methods had been wholly or partially abandoned, to the encouragement of free immigration by means of promises of employment or of facilities for the taking up of land.

(a.) The importation of coolie labour.

The first of these methods, *i.e.*, the importation of free or contract coolie labour, stands, as has already been indicated, on a somewhat different footing to the others. Considerations of climate induce a permanent demand for non-European labour to work in the sugar plantations and other industries of sub-tropical countries, a demand which finds a ready supply in the densely-populated countries of India and China. It is, therefore, of less importance to consider the advantages of employing such labour than to note the necessity for its due regulation, if the abuses often consequent upon its employment are to be prevented. In the case of Indian labour the Indian Government steps in and claims the right to watch over the interests of its coolie subjects in any colony to which they may elect to go, and even to forbid their going to any country where their welfare is in its opinion not assured (*see* p. 203). The uniformity of its regulations, and the hold which it thus maintains over the labour of countries as widely separated as the East and West Indies, Natal and Fiji, form an interesting link between India and the lesser colonies. The importance, from this point of view, of the Government of India is one of the main features of the immigration question in the Crown Colonies. The efforts made by the Chinese Government to protect its subjects have proved effective in the Straits Settlements, but Chinese labour, unlike that of India, is not confined to the lesser colonies, and the strong opposition offered to the Chinese in North America and Australasia has forced the Chinese Government to relinquish any attempt to exercise a power similar to that of the Government of India. The presence of Chinese labour in both the Crown and self-governing colonies is not, however, the only point of contact between the two groups. In Northern Queensland the employment of Kanaka or Pacific Island labour has raised the questions already involved in the employment of coolie labour in other tropical countries, with the further complication that beside the difficulty of providing for the due protection of the Kanakas, the opposition of Australian white labour has to be faced. In a less degree the presence of Indian coolies in Natal has raised the same difficulties there.

(b.) Other methods.

In the self-governing colonies, however, which lie for the most part in a latitude where white labour can be advantageously employed, the difficulties connected with immigration are of a different character. As has been already stated, the deficiency of labour in early stages was remedied by the introduction of convict labour and of indented servants or persons brought over at the cost of their future employer, and bound to him until the expenditure incurred had been repaid. The strong feeling, which soon showed itself against these methods, resulted in the substitution of different schemes for attracting immigrants, whether by granting exceptional facilities for taking up land, by giving free or assisted passages, or by diffusing information of an attractive kind concerning the countries requiring the labour (2)

3. Growth of feeling in favour of restriction of immigration.

The experience of the different countries, however, as stated below, with the exception of Mexico and the South American Republic shows a gradual movement in favour of the restriction of immigration within narrower and narrower limits. This movement has been marked at times by outbursts of almost fanatical opposition to certain races and classes, but its guiding principle has, in the main, been the desire to exclude all those immigrants whose competition with native labour was likely to lower the rate of wages and the standard of living. Beginning with the Chinese, and, in Australia, with convict labour, the exclusion of both have been demanded on moral and social grounds, but also on the ground of economic advantage. It is on this ground that exception has been taken to assisted emigration generally, and more especially to emigration assisted out of the poor rates of European countries. The gradual discontinuance of any kind of assistance to immigrants on the part of colonial governments and the demand on the part of the United States for a property qualification in intending immigrants mark the economic stage reached in the matter and bring the question to the point at which it becomes essentially a part of the general labour question. It is the effect likely to be exercised by the competition of lower class

(1) Mayo Smith, "Emigration and Immigration," 1890. Roscher and Jannasch, "Kolonien, Kolonialpolitik und Auswanderung," 1885, pp. 311, 335. Schönberg, "Handbuch der Politischen Oekonomie," 1886, Vol. II., pp. 959–967. Leroy-Beaulieu, "De la Colonisation chez les Peuples Modernes," 1891, pp. 230, 621, 627, 637, 776, 783. Godio, "L' America ne' suoi primi fattori, la Colonisazzione e l'Emigrazione," 1893, pp. 177 *et seq.*

(2) *See* pp. 201, 202.

labour, or even of high class labour where, in the opinion of the Americans and colonists, the supply is already adequate to the demand, upon the existing rate of wages and standard of living, which has made the question of the restriction of immigration take such a prominent place. The demand for the restriction, or for the absolute exclusion of alien immigration becomes most urgent, where, as in the United States, working men have reason to think that the possibility of obtaining a supply of foreign labour to take the place of men on strike has led to their defeat in industrial conflicts, or that the facilities for importing cheap labour under contract has led to reductions in wages and the displacement of American workmen.(1)

4. Counter movement of immigrants back to the countries from which they come.

'Those who have in consequence advocated the adoption of stringent measures with regard to the immigration of aliens, and especially of alien contract labour have sometimes failed to give due weight to the counter movement from America to the countries of Europe, to which attention is drawn by Signor Bodio, Director General of Statistics, in his official statistics of emigration for 1890, by Dr. Giffen in his report to the Board of Trade in 1892, and by other writers. Dr. Giffen's report states that in 1891 the number of British and Irish immigrants into the United Kingdom from non-European countries was 103,037, in 1890 it was 109,470, and in 1889 103,070. In 1892 the number was 97,780. These figures, however, unlike those given for Italy, include cabin passengers, who, amongst emigrants, amount to 24 per cent. of the total number. The Italian statistics of returning immigrants give the number for 1889 as 35,103, for 1890 as 55,523, and for 1891 as 75,245. Nor is this movement confined to the States and the self-governing colonies, for the statistics of the Indian Empire show a strong back ward current of returning immigration (*see* p. 203). As Dr. Giffen has pointed out in the case of trans-oceanic migration between Europe and America, there is reason to suppose that both in immigration and emigration "an upward and downward movement can be "traced, the maxima and minima of the first being "some two or three years later than those of the "second." Further, he considers that in each case there is trace of a cyclical movement, the recurrence of which may or may not be determinable, but which is at least so far connected with the periodic waves of general trade prosperity and depression that the oscillations should be carefully observed. The question of the migration of population cannot, therefore, be usefully considered apart from the general social and industrial problems of which it forms a part. Further, in the face of this double movement outwards and inwards, the question of reciprocal action must at some period be given due consideration by the countries demanding the restriction or exclusion of immigration. The various phases of the question in the United States and other non-European countries will be considered more in detail.(2)

B.—Experience of the United States.(3)

1. Early period. Encouragement of immigration.

Professor Richmond Mayo Smith divides the period of colonisation from the period of immigration in the United States at the year 1783, when the American commonwealth was in his opinion sufficiently established to be in no further need of colonists in the stricter sense of the term. Immigrants, however, or new-comers who were prepared to make their home in the States and to adopt the language and institutions of the people they found there, were in the earlier part of the immigration period of the very greatest value to the American commonwealth. In Professor Mayo Smith's opinion immigration has been one of the chief factors in the industrial development of the States. The large proportion of men to be found amongst all immigrants to a new country increased the productive labour power; the immigrants took up land, developed the mining industry and furnished the necessary manual labour for the construction of railroads. Again the supply of labour which they afforded was instrumental in developing the manufacturing industries, and without their presence in handicrafts it would have been difficult for American workmen to satisfy the needs of a rapidly increasing population. So strongly was this felt that in 1864 towards the close of the war numerous State bureaux were established to encourage immigration by spreading information about the resources of the country and the terms upon which land could be acquired. A movement of a similar kind is still to be found in the Southern States, especially in Texas.(4)

Up to a certain point, therefore, the coming of alien immigrants was an unmixed advantage to the States. The immigrants were welcomed, and the United States in their negotiations with foreign Powers on the subject gave free expression to the doctrine of the absolute equality of all men and "the inherent and inalienable right of man to change his home and allegiance." The only immigration which was prohibited was the importation of coolie labour under contract, and the grounds for this prohibition were sought in the injury to free and democratic institutions likely to result from such a practice.(5)

The first suggestions of any feeling adverse to free and unrestricted immigration came from the Pacific States, where as early as 1855 an agitation was begun against the coming of the Chinese. Various Acts directed against them were passed by the Californian legislature, but the majority of these Acts were declared unconstitutional by the Supreme Court of California, and the Supreme Court of the United States decided that the prohibition or even regulation of immigration was a regulation of commerce, involving international relations, and therefore belonging exclusively to Congress. The Californians next appealed for national legislation on the subject, with the result that Committees of Congress were appointed to inquire into the conditions of Chinese labour in America. The value of this Chinese labour from a purely economic standpoint in the development of a new State affording room for both white and Mongolian labour was little insisted on in the evidence, which was to a large extent of a one-sided character. No mention was made of the fact that, though the Chinese filled subordinate positions in agriculture and in industry, the superior posts were filled almost invariably by white men, who had also a monopoly of the more highly skilled and better paid industries. The only serious charge substantiated against the desirability of Chinese immigration was that the Chinese did not assimilate with the native population.(6)

2. Later period. Restriction of immigration. (*a.*) Chinese immigrants.

With 1876 began the period of gradual restriction of immigration, arising in the first instance from the strength of the anti-Chinese feeling in the Western States, and, according to Professor Mayo Smith, from the desire of politicians of both parties to catch the Western vote. In 1879 a Bill to restrict Chinese immigration passed both Houses, but was vetoed by the President as a violation of the Burlingame treaty of 1868, which had promised that "the subjects of China "shall enjoy the same privileges, immunities, and "exemptions in respect to travel and residence as may "be enjoyed by the citizens or subjects of the most "favoured nation." This treaty was, however, superseded by the treaty of 1880, which provided that "the "United States may regulate, limit, or suspend the "coming or residence (of Chinese subjects), but may "not absolutely prohibit it." The Act of 1882, following this treaty, suspended the coming of Chinese immigrants for a period of ten years, and provided that Chinese labourers already in the States should obtain a certificate on leaving the country, without which they would not be re-admitted. A further Act of 1884 extended this provision to Chinamen of every class. Between 1885 and 1888 a number of outrages were committed upon Chinese subjects resident in the States, and the remonstrances of the Chinese Minister led to negotiations for a fresh treaty to supersede the treaty of 1880. According to the terms of the new treaty the immigration of Chinese labourers was absolutely prohibited for twenty years, and no Chinese labourer who at that time resided in the States, or who had departed with a certificate entitling him to return, was to be allowed to re-enter the country, if he should leave or had left it. The only exception made was in favour of Chinese labourers "having lawful wife, child, or parent, or pro-"perty to the amount of 1,000 dollars in the United "States." The ratification of this treaty was delayed, and in the meanwhile Congress passed an Act absolutely excluding all Chinese labourers from entering or re-entering the States. This Act, afterwards declared

(1) *See* pp. 194-196. *See also* Foreign Reports, Vol. I. The United States, pp. 38-40, and authorities there cited.
(2) Board of Trade Reports on Emigration and Immigration, 1891, 1892, 1893.
(3) *See also* Foreign Reports, Vol. I. The United States, pp. 38-40, and authorities there cited.
(4) Mayo Smith, "Emigration and Immigration," 1890, pp. 11-15, 35-62, 194, 195.
(5) Mayo Smith, "Emigration and Immigration," 1890, pp. 228-234.
(6) Mayo Smith "Emigration and Immigration," 1890, pp. 236-250.

constitutional by the Supreme Court of the United States in spite of the violation of the treaty of 1880, was approved by the President on October 1st, 1888. (For text of the Acts concerning Chinese immigration *see* pp. 209–212).(1)

(δ) European and Canadian immigrants.

Various causes had led during the latter half of the nineteenth century to a great increase in the number of European and Canadian immigrants into the States. These causes included the improvement in transport facilities and the cheapening of fares which resulted from competition between rival transportation companies. This same competition induced the companies to make greater efforts to secure passengers, and their agents and advertisements, as well as the communications of friends already settled in the States, led to a wide diffusion of information as to the prospects of work for immigrants and the means of transportation.(2)

3. Number of immigrants.

Between 1821 and 1855 inclusive the number of alien passengers including immigrants arriving in the United States was 4,212,624; between 1856 and 1890 the number of immigrants alone was 11,188,556. Of these, 5,246,613, or not much less than half, arrived during the decade 1880–90. But besides this large increase in the actual number of immigrants, there has been a decided change in their nationality. Though the English or German element is still predominant amongst the immigrants, the relative number from Norway and Sweden, Italy, Austria-Hungary, and Russia is constantly increasing. The figures for the years 1869 to 1892, and again those for 1892 as compared with those for 1890 and 1891 are given at length in the tables on pages 178 to 192:—(3)

A careful examination of these statistics brings out the fact that in spite of the passing of the stringent Alien Contract Labour Act of March, 1891 (*see* p. 20), alien immigration into the United States up to June 30th, 1892, showed a constant increase. The figures given by both the United States Bureau of Statistics and the Superintendent of Immigration appointed under the Act of 1891 do not include immigrants who land at Canadian ports *en route* to the United States. The official report of the Canadian Minister of Agriculture, however, gives the number of such immigrants during the calendar year 1891 as 105,213, and as the Superintendent of Immigration states that the provision made in the Act of 1891 for supervision of immigration from Canada has been practically inoperative, it is reasonable to suppose that most of the immigrants landing in Canadian ports reached the States. Taking such immigrants only as landed in United States ports the figures of the Bureau of Statistics give an increase of 62,765 for the fiscal year ending June 30th, 1892, and though the Superintendent of Immigration gives no totals which can be compared with those of the Bureau he apparently has arrived at the same result, since he gives 63,000 as the increase in round numbers for the same period. It may be noticed in passing that the figures given by the two authorities for the period July 1st, 1891, to June 30th, 1892, differ considerably in

(1) Mayo Smith, "Emigration and Immigration," 1890, pp. 250–265. Arrival of Alien Passengers and Immigrants in the United States, 1820–1890, pp. 92–94, 102–105, 110. Godio, "L'America ne' suoi primi fattori, la Colonisazzione e l'Emigrazione," 1893, pp. 199–220.

(2) Mayo Smith, "Emigration and Immigration," 1890, pp. 45–52.

(3) Arrival of Alien Passengers and Immigrants in the United States from 1820–1890, pp. 7, 22–31. Annual Report of Chief of Bureau of Statistics upon Foreign Commerce, 1892, pp. 89, 128–130. Statement of Foreign Commerce and Immigration for December 1892, Bureau of Statistics, p. 11. Annual Report of the Superintendent of Immigration, 1892, p. 7.

No. I.—IMMIGRATION to the UNITED STATES in the fiscal year ending June 30th, 1892, and in the calendar year ending December 31st, 1892, as computed by the UNITED STATES BUREAU of STATISTICS and the SUPERINTENDENT of IMMIGRATION, and compared with the statistics for the corresponding periods in preceding years collected by the UNITED STATES BUREAU of STATISTICS.

Country.	Year ending June 30th.				Bureau of Statistics.			
			1892.		Six months ending December 31st,		Twelve months ending December 31st,	
	1890.	1891.	Bureau of Statistics.	Superintendent of Immigration.	1891.	1892.	1891.	1892.
Austria-Hungary:								
Bohemia	4,508	11,758	—	8,278	3,817	2,646	11,079	7,361
Hungary	22,059	28,366	—	35,724	11,578	7,025	27,548	32,683
Other Austria (except Po and)	29,611	30,918	—	32,935	14,241	9,755	32,084	29,882
Total	56,178	71,042	80,136	76,937	29,636	19,426	70,711	69,926
Denmark	9,342	10,659	10,593	10,125	3,530	3,180	10,466	10,128
France	6,584	6,770	6,521	4,678	3,588	2,406	6,527	5,337
Germany	92,409	113,554	130,758	119,168	57,446	45,102	123,401	113,278
Great Britain and Ireland:								
England and Wales	57,392	54,048	50,527	35,038	28,140	23,452	52,350	45,494
Scotland	12,028	12,577	11,520	7,177	5,298	5,044	12,484	11,251
Ireland	56,923	55,706	55,467	51,383	20,827	15,886	55,888	50,440
Total	122,343	122,311	117,514	93,598	54,265	44,382	120,722	107,185
Italy	51,789	76,055	62,137	61,631	18,854	18,167	68,481	60,257
Netherlands	4,326	5,206	7,260	6,141	1,590	2,089	5,364	7,758
Poland	11,073	} 74,923	117,692 {	40,536	14,863	8,592	31,285	26,889
Russia (except Poland)	35,574			81,511	46,710	14,689	73,177	52,267
Sweden and Norway	40,895	49,448	57,709	56,170	21,143	19,264	52,262	55,274
Switzerland	6,992	6,811	7,408	6,886	3,181	2,370	6,928	6,591
All other Europe	} 13,714 {	7,206	10,744	13,495	} 10,553	9,859	21,342	23,597
All other countries		16,334	14,592	(No figures given.)				
Total	451,219	560,319	623,084	—	265,359	189,526	590,666	543,487

No. II.—STATEMENT showing the NUMBER, SEX, and NATIONALITY of IMMIGRANTS arrived in the UNITED STATES during each Year ending June 30th, from 1869 to 1892, inclusive.

(M. is used to designate "Male," F. to designate "Female.")

Year.	EUROPE.																				
	Austria-Hungary.									Belgium.			Denmark.			France.			Germany.		
	Bohemia.			Hungary.			Other Austria (except Poland).														
	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.
1869	—	—	—	4	—	4	863	632	1,495	1,122	800	1,922	2,397	1,252	3,649	2,532	1,348	3,879	77,438	53,604	131,042
1870	—	—	—	1	—	1	2,340	2,084	4,424	718	284	1,002	2,519	1,564	4,083	2,693	1,316	4,009	77,688	47,537	118,225
1871	—	—	—	1	2	3	2,556	2,328	4,884	523	251	774	1,347	668	2,015	1,993	1,145	3,138	47,775	34,779	82,554
1872	—	—	—	170	58	228	2,295	1,887	4,182	481	257	738	2,534	1,156	3,690	6,061	3,256	9,317	83,418	57,691	141,109
1873	—	—	—	715	632	1,347	3,098	2,667	5,765	763	413	1,176	3,326	1,605	4,931	9,500	5,298	14,798	86,411	63,260	149,671
1874	—	—	—	597	365	962	4,285	3,603	7,888	556	261	817	1,824	1,258	3,082	5,856	3,788	9,644	49,554	37,737	87,291
1875	—	—	—	477	299	776	3,652	3,230	6,882	475	140	615	1,563	1,093	2,656	5,378	2,943	8,321	27,576	20,193	47,769
1876	—	—	—	410	220	630	3,074	2,572	5,646	418	97	515	967	580	1,547	5,317	2,687	8,004	18,673	13,264	31,937
1877	—	—	—	232	141	373	2,757	2,266	5,023	379	109	488	1,073	622	1,695	3,839	2,017	5,856	17,732	11,566	29,298
1878	—	—	—	375	271	646	2,550	1,954	4,504	231	123	354	1,308	797	2,105	2,589	1,570	4,159	18,019	11,294	29,313
1879	—	—	—	366	266	632	3,025	2,306	5,331	320	192	512	2,244	1,230	3,474	2,954	1,701	4,655	21,578	13,024	34,602
1880	—	—	—	2,964	1,399	4,363	7,283	5,621	12,904	784	448	1,232	4,466	2,110	6,576	2,802	1,512	4,314	52,748	31,895	84,638
1881	—	—	—	4,554	2,272	6,826	11,745	9,364	21,109	1,186	580	1,766	5,874	3,243	9,117	3,455	1,772	5,227	128,399	82,086	210,485
1882	3,565	3,037	6,602	6,753	2,176	8,929	8,372	5,247	13,619	892	539	1,431	7,517	4,101	11,618	3,893	2,111	6,004	148,466	102,164	250,630
1883	2,879	2,583	5,462	8,907	2,333	11,240	7,028	3,895	10,923	957	493	1,450	6,228	4,091	10,319	3,247	1,574	4,821	111,778	83,008	194,786
1884	4,338	3,901	8,239	11,239	3,559	14,798	8,804	4,730	13,534	1,059	517	1,576	5,509	3,693	9,202	2,293	1,315	3,608	103,663	76,013	179,676
1885	3,212	3,140	6,352	6,254	3,129	9,383	7,229	4,345	11,574	1,007	646	1,653	3,541	2,559	6,100	2,271	1,224	3,495	68,426	56,017	124,443
1886	2,220	2,094	4,314	9,361	3,059	12,420	7,973	3,973	11,946	845	455	1,300	3,875	2,350	6,225	2,169	1,149	3,318	46,738	37,665	84,403
1887	2,454	2,125	4,579	10,721	4,535	15,256	13,723	6,707	20,430	1,670	883	2,553	5,448	3,076	8,524	3,212	1,822	5,034	61,097	45,768	106,865
1888	2,209	1,918	4,127	11,999	3,801	15,800	18,018	7,866	25,884	2,050	1,165	3,215	5,649	3,313	8,962	4,354	2,100	6,454	61,924	47,793	109,717
1889	1,608	1,477	3,085	7,866	3,101	10,967	13,416	6,706	20,122	1,639	923	2,562	5,301	3,398	8,699	3,789	2,129	5,918	54,876	44,662	99,538
1890	2,351	2,154	4,505	16,589	5,473	22,062	21,077	8,555	29,632	1,719	952	2,671	5,713	3,653	9,366	3,863	2,722	6,585	50,923	41,504	92,427
1891	—	—	11,758	—	—	28,366	—	—	30,918	—	—	3,037	—	—	10,659	—	—	6,770	—	—	113,554
1892	—	—	8,533	—	—	37,236	—	—	34,367	—	—	4,303	—	—	10,593	—	—	6,521	—	—	130,758

No. II.—Statement showing the Number, Sex, and Nationality of Immigrants arrived in the United States during each Year ending June 30th, from 1869 to 1892, inclusive—*continued.*

Year.	Europe.																				
	Gibraltar.			Great Britain and Ireland.															Greece.		
				England.			Scotland.			Ireland.			Wales.			Great Britain not specified.					
	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.
1869	—	—	—	22,952	12,721	35,673	4,915	2,836	7,751	22,078	18,078	40,786	460	200	660	23,379	16,975	40,354	7	1	8
1870	—	—	—	38,106	22,851	60,957	7,605	4,916	12,521	31,414	25,582	56,996	574	437	1,011	17,084	12,104	29,188	20	2	22
1871	—	1	1	34,412	22,118	56,530	7,087	4,897	11,984	30,939	26,500	57,439	517	382	899	9,128	6,914	16,042	10	1	11
1872	4	3	7	42,496	27,268	69,764	7,940	5,976	13,916	36,548	32,184	68,732	685	529	1,214	12	6	18	11	1	12
1873	2	4	6	45,024	29,777	74,801	8,254	5,587	13,841	40,993	36,351	77,344	518	322	840	12	6	18	21	2	23
1874	3	2	5	29,921	20,984	50,905	6,301	4,128	10,429	27,047	26,660	53,707	392	273	665	11	11	22	33	3	36
1875	3	—	3	24,497	15,633	40,130	4,473	2,837	7,310	18,029	19,928	37,957	270	179	449	15	1	16	19	6	25
1876	9	1	10	14,949	9,424	24,373	2,989	1,593	4,582	8,938	10,637	19,575	199	125	324	6	6	12	17	2	19
1877	6	3	9	12,045	7,116	19,161	2,843	1,292	4,135	6,819	7,750	14,569	169	112	281	1	3	4	19	5	24
1878	—	1	1	11,448	6,957	18,405	2,145	1,357	3,502	7,203	8,729	15,932	145	98	243	—	—	—	16	—	16
1879	1	—	1	15,476	8,707	24,183	3,443	1,782	5,225	9,635	10,378	20,013	351	192	543	2	2	4	18	3	21
1880	8	6	14	37,661	21,793	59,454	8,072	4,568	12,640	38,151	33,452	71,603	730	443	1,173	4	2	6	19	4	23
1881	4	1	5	40,401	24,776	65,177	9,503	5,665	15,168	37,387	34,955	72,342	650	377	1,027	4	—	4	17	2	19
1882	7	—	7	43,575	30,819	82,394	12,108	6,829	18,937	40,980	35,452	76,432	1,097	559	1,656	3	1	4	125	1	126
1883	—	—	—	38,174	24,966	63,140	7,007	4,852	11,859	41,495	39,991	81,486	987	610	1,597	7	3	10	58	15	73
1884	3	4	7	33,413	22,505	55,918	5,294	3,766	9,060	31,280	32,064	63,344	508	393	901	51	20	71	34	3	37
1885	—	—	—	28,083	19,249	47,332	5,617	3,609	9,226	25,187	26,608	51,795	668	459	1,127	11	17	28	154	18	172
1886	2	6	8	30,913	18,854	49,767	7,584	4,542	12,126	24,425	25,194	49,619	614	413	1,027	6	3	9	95	9	104
1887	3	9	12	45,979	26,876	72,855	12,133	6,566	18,699	35,449	32,921	68,370	1,211	609	1,820	3	1	4	305	8	313
1888	10	8	18	50,941	31,633	82,574	15,475	8,982	24,457	38,459	35,054	73,513	1,037	617	1,654	5	2	7	768	14	782
1889	5	8	13	41,549	26,954	68,503	10,698	7,598	18,296	33,223	32,334	65,557	732	449	1,181	8	4	12	149	9	158
1890	5	4	9	34,245	22,775	57,020	6,833	5,208	12,041	26,314	26,680	53,024	384	266	650	12	7	19	464	60	524
1891	—	—	13	—	—	53,600	—	—	12,557	—	—	55,706	—	—	424	—	—	24	—	—	1,105
1892	—	—	4	—	—	49,770	—	—	11,520	—	—	55,467	—	—	757	—	—	—	—	—	615

No. II.—STATEMENT showing the NUMBER, SEX, and NATIONALITY of IMMIGRANTS arrived in the UNITED STATES during each Year ending June 30th, from 1869 to 1892, inclusive—*continued.*

Year.	EUROPE.																				
	Italy.						Malta.			Netherlands.			Norway.			Poland.			Portugal.		
	Continental.			Sicily and Sardinia.																	
	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.
1869	1,075	413	1,488	1	—	1	—	—	—	739	395	1,134	9,147	6,921	16,068	138	46	184	44	43	87
1870	2,132	759	2,891	—	—	—	—	—	—	663	403	1,066	8,003	5,213	13,216	140	83	223	175	80	255
1871	2,062	743	2,805	10	1	11	—	—	—	697	296	993	6,179	3,239	9,418	328	207	535	142	148	290
1872	3,139	1,005	4,144	32	14	46	7	1	8	1,185	724	1,909	6,840	4,581	11,421	1,158	489	1,647	321	95	416
1873	6,851	1,864	8,715	27	15	42	4	—	4	2,282	1,529	3,811	9,928	6,319	16,247	2,224	1,114	3,338	21	3	24
1874	6,088	1,508	7,596	52	18	70	3	2	5	1,409	1,035	2,444	6,766	3,618	10,384	1,078	717	1,795	39	21	60
1875	2,775	795	3,570	37	24	61	2	4	6	750	487	1,237	3,726	2,267	6,093	586	398	984	512	251	763
1876	2,263	647	2,910	49	56	105	7	—	7	560	295	855	3,404	1,769	5,173	568	357	925	239	232	471
1877	2,285	858	3,143	36	16	52	4	1	5	391	200	591	2,950	1,638	4,588	382	151	533	959	332	1,291
1878	3,016	1,115	4,131	110	103	213	2	—	2	392	216	608	3,034	1,725	4,759	362	185	547	455	205	660
1879	4,231	1,528	5,759	21	11	32	3	—	3	467	286	753	4,695	2,650	7,345	335	154	489	300	92	392
1880	8,677	3,650	12,327	18	9	27	1	—	1	1,932	1,408	3,340	13,165	6,730	19,895	1,442	735	2,177	164	96	260
1881	11,571	3,816	15,387	8	6	14	1	—	1	5,086	3,511	8,597	14,511	8,194	22,705	3,595	2,019	5,614	95	76	171
1882	27,432	4,655	32,077	66	16	82	2	1	3	5,620	3,897	9,517	17,929	11,172	29,101	3,419	1,253	4,672	26	16	42
1883	28,217	3,567	31,784	5	3	8	—	—	—	3,122	2,127	5,249	13,799	9,599	23,398	1,465	546	2,011	146	30	176
1884	12,624	3,849	16,473	33	4	37	1	—	1	2,569	1,629	4,198	9,986	6,988	16,974	3,384	1,152	4,536	411	290	701
1885	9,828	3,771	13,599	36	7	43	1	3	4	1,649	1,040	2,689	7,054	5,302	12,356	2,139	946	3,085	292	148	440
1886	15,327	5,968	21,295	13	7	20	4	3	7	1,492	822	2,314	7,890	4,869	12,759	2,852	1,087	3,939	173	65	238
1887	37,389	10,143	47,532	53	37	90	1	—	1	2,708	1,798	4,506	10,523	5,746	16,269	4,150	1,978	6,128	70	40	110
1888	41,857	9,218	51,075	349	134	483	3	—	3	3,487	2,358	5,845	11,888	6,376	18,264	4,133	1,693	5,826	14	9	23
1889	17,921	6,927	24,848	352	107	459	—	—	—	3,794	2,666	6,460	7,572	5,818	13,390	3,191	1,731	4,922	34	23	57
1890	40,717	11,082	51,799	135	69	204	1	—	1	2,655	1,671	4,326	6,601	4,769	11,370	7,613	3,460	11,073	109	49	158
1891	—	—	72,704	—	—	3,351	—	—	6	—	—	5,206	—	—	12,568	—	—	27,497	—	—	918
1892	—	—	59,160	—	—	2,977	—	—	1	—	—	7,260	—	—	14,462	—	—	33,299	—	—	2,828

No. II.—STATEMENT showing the NUMBER, SEX, and NATIONALITY of IMMIGRANTS arrived in the UNITED STATES during each Year ending June 30th, from 1869 to 1892, inclusive—*continued*.

Year.	Europe.																						
	Roumania.			Russia.						Spain.			Sweden.			Switzerland.			Turkey in Europe.			Total Europe.		
				Russia (except Poland).			Finland.																	
	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.
1869	—	—	—	228	115	343	—	—	—	749	374	1,123	15,663	8,561	24,224	2,373	1,277	3,650	14	4	18	188,947	126,596	315,543
1870	—	—	—	550	357	907	—	—	—	487	176	663	8,306	5,137	13,443	2,002	1,073	3,075	6	—	6	196,226	131,958	328,184
1871	—	—	—	394	279	673	—	—	—	423	135	558	6,803	3,896	10,699	1,399	870	2,269	19	4	23	154,744	109,804	264,548
1872	—	—	—	632	362	994	16	8	24	455	160	595	6,510	4,954	13,464	2,312	1,338	3,650	16	4	20	207,258	144,007	351,265
1873	—	—	—	955	605	1,560	68	6	74	409	132	541	8,656	5,647	14,303	1,943	1,164	3,107	39	14	53	232,044	164,336	396,380
1874	—	—	—	2,601	1,359	3,960	91	22	113	388	97	485	3,318	2,394	5,712	1,845	1,248	3,093	47	15	62	150,105	111,127	261,232
1875	—	—	—	4,371	3,611	7,982	13	2	15	467	134	601	3,274	2,299	5,573	1,127	687	1,814	25	2	27	104,092	77,543	181,635
1876	—	—	—	2,769	1,996	4,765	7	3	10	406	112	518	3,479	2,124	5,603	1,047	502	1,549	29	9	38	70,793	49,310	120,103
1877	—	—	—	3,825	2,754	6,579	13	7	20	489	176	665	2,919	2,072	4,991	1,193	493	1,686	21	11	32	63,381	41,711	105,092
1878	—	—	—	1,752	1,285	3,037	5	6	11	350	107	457	3,272	2,118	5,390	1,236	572	1,808	20	9	29	60,035	40,797	100,832
1879	—	—	—	2,480	1,954	4,434	17	2	19	352	105	457	7,313	3,688	11,001	2,167	994	3,161	22	7	29	81,816	51,254	133,070
1880	8	3	11	3,266	1,588	4,854	144	16	160	305	84	389	26,862	12,324	39,186	4,212	1,944	6,156	18	6	24	215,901	131,846	347,747
1881	19	11	30	3,114	1,751	4,865	133	43	176	386	98	484	31,317	18,443	49,760	7,499	3,794	11,293	54	18	72	320,568	206,873	527,441
1882	44	21	65	11,154	5,167	16,321	485	112	597	293	85	378	41,335	23,272	64,607	7,047	3,797	10,844	52	17	69	400,247	246,517	646,764
1883	37	40	77	5,476	3,710	9,186	549	174	723	205	57	262	22,916	15,361	38,277	8,165	4,586	12,751	52	34	86	312,906	208,248	521,154
1884	131	107	238	8,137	3,717	11,854	538	297	835	236	64	300	15,459	11,093	26,552	5,835	3,551	9,386	138	12	150	266,970	185,236	452,206
1885	449	354	803	10,103	6,500	16,603	377	178	555	271	79	350	12,491	9,757	22,248	3,680	2,215	5,895	110	28	138	200,140	151,348	351,488
1886	314	180	494	11,207	6,102	17,309	348	143	491	261	83	344	17,019	10,732	27,751	2,902	1,903	4,805	132	44	176	196,754	131,774	328,528
1887	1,067	958	2,045	18,541	10,403	28,944	1,529	293	1,822	341	95	436	27,359	15,477	42,836	3,283	1,931	5,214	157	49	206	300,599	180,854	481,453
1888	683	503	1,186	20,575	10,681	31,256	1,850	381	2,231	411	115	526	34,762	19,936	54,698	5,040	2,697	7,737	161	46	207	338,111	198,413	536,524
1889	443	450	893	20,088	11,801	31,889	1,573	454	2,027	411	115	526	19,919	15,496	35,415	4,525	2,545	7,070	202	50	252	254,884	177,935	432,819
1890	260	257	517	21,097	12,050	33,147	1,666	785	2,451	619	194	813	16,532	13,100	29,632	4,406	2,587	6,993	171	35	206	273,104	170,121	443,225
1891	—	—	957	—	—	42,145	—	—	5,281	—	—	905	—	—	36,880	—	—	6,811	—	—	265	—	—	543,985
1892	—	—	978	—	—	79,294	—	—	5,099	—	—	1,006	—	—	43,247	—	—	7,408	—	—	227	—	—	[1]608,472

[1] Includes Azores, 777, and Greenland, 5, in all former tables included in "all other countries."

No. II.—Statement showing the Number, Sex, and Nationality of Immigrants arrived in the United States during each Year ending June 30th, from 1869 to 1892, inclusive—*continued*.

Year.	America.																				
	British North American Provinces.			Mexico.			British Honduras.			Central American States.			Argentine Republic.			Brazil.			Chile.		
	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.
1869	11,885	9,232	21,117	225	95	320	—	—	—	3	—	3	—	—	—	11	7	18	1	—	1
1870	22,723	17,688	40,411	358	105	463	—	—	—	31	2	33	—	—	—	13	—	13	2	—	2
1871	27,156	19,926	47,082	336	66	402	—	—	—	2	2	4	9	7	16	11	3	14	4	—	4
1872	20,946	19,230	40,176	487	82	569	—	—	—	7	1	8	6	5	11	17	4	21	5	—	5
1873	20,446	17,425	37,871	483	123	606	—	—	—	31	7	38	9	1	10	29	1	30	18	—	18
1874	21,749	11,211	32,960	311	75	386	6	2	8	10	2	12	2	1	3	32	7	39	12	2	14
1875	16,152	7,899	24,051	481	129	610	4	—	4	10	1	11	4	3	7	21	—	21	8	2	10
1876	15,272	7,199	22,471	466	165	631	2	1	3	6	6	12	2	—	2	28	5	33	11	9	20
1877	15,235	6,881	22,116	349	96	445	—	1	1	6	—	6	5	1	6	17	3	20	6	9	15
1878	15,387	10,181	25,568	376	89	465	10	—	10	33	7	40	2	1	3	7	3	10	1	2	3
1879	17,996	13,272	31,268	457	99	556	—	—	—	8	1	9	—	—	—	11	7	18	1	—	1
1880	63,139	36,567	99,706	405	87	492	21	6	27	14	3	17	6	1	7	14	4	18	1	—	1
1881	74,902	50,489	125,391	247	78	325	9	8	17	11	1	12	1	1	2	13	5	18	1	2	3
1882	56,087	42,208	98,295	292	74	366	4	1	5	8	7	15	5	4	9	15	8	23	1	—	1
1883	40,257	29,984	70,241	377	92	469	3	—	3	6	—	6	—	—	—	14	3	17	1	1	2
1884	37,604	22,980	60,584	290	140	430	13	—	13	7	3	10	6	—	6	15	13	28	1	—	1
1885	22,564	15,727	38,291	238	85	323	1	—	1	20	3	23	8	1	9	8	1	9	1	—	1
1886	(a)	(a)	—	(a)	(a)	—	2	1	3	23	6	29	4	—	4	15	6	21	4	—	4
1887	(a)	(a)	—	(a)	(a)	—	4	—	4	13	6	19	4	—	4	13	8	21	5	—	5
1888	(a)	(a)	—	(a)	(a)	—	—	—	—	54	13	67	5	4	9	9	4	13	10	3	13
1889	(a)	(a)	—	(a)	(a)	—	3	4	7	63	19	81	10	4	14	23	8	31	8	5	13
1890	(a)	(a)	—	(a)	(a)	—	4	1	5	110	32	142	13	2	15	26	9	35	15	6	21
1891	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
1892	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

a Immigrants from the British North American Possessions and Mexico not included since July 1st, 1885.

No. II.—Statement showing the Number, Sex, and Nationality of Immigrants arrived in the United States during each Year ending June 30th, from 1869 to 1892, inclusive—*continued.*

Year.	America.																				
	Colombia.			Ecuador.			Guiana.			Peru.			Venezuela.			South America not specified.			Total South America.		
	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.
1869	1	—	1	—	—	—	1	2	3	1	—	1	4	1	5	45	17	62	64	27	91
1870	1	—	1	—	—	—	6	4	10	—	—	—	1	—	1	36	6	42	59	10	69
1871	5	3	8	—	—	—	3	2	5	9	1	10	19	5	24	11	4	15	71	25	96
1872	5	—	5	1	—	1	9	17	26	19	—	19	10	1	11	3	—	3	75	27	102
1873	37	10	47	1	—	1	19	4	23	15	3	18	15	2	17	2	—	2	145	21	166
1874	30	1	31	1	—	1	5	3	8	12	—	12	18	3	21	9	6	15	121	23	144
1875	17	13	30	1	—	1	8	1	9	8	2	10	19	3	22	19	3	22	105	27	132
1876	20	4	24	1	—	1	4	1	5	10	1	11	46	5	51	8	1	9	130	26	156
1877	7	5	12	1	—	1	—	2	2	7	4	11	14	1	15	4	1	5	61	26	87
1878	8	6	14	—	—	—	6	—	6	22	9	31	11	1	12	8	1	9	65	23	88
1879	21	3	24	—	1	1	1	—	1	1	4	5	12	4	16	3	—	3	50	19	69
1880	5	2	7	—	—	—	—	—	—	3	1	4	26	8	34	9	8	17	64	24	88
1881	32	6	38	2	1	3	6	3	9	3	—	3	24	4	28	4	2	6	86	24	110
1882	4	4	8	1	—	1	5	5	10	5	1	6	15	4	19	10	4	14	61	30	91
1883	9	2	11	—	—	—	10	4	14	—	—	—	14	12	26	7	—	7	55	22	77
1884	3	2	5	—	—	—	2	4	6	1	—	1	11	6	17	1	—	1	40	25	65
1885	2	—	2	2	—	2	3	4	7	—	—	—	11	3	14	—	—	—	35	9	44
1886	142	44	186	—	—	—	2	2	4	—	—	—	9	8	17	4	6	10	180	66	246
1887	212	96	308	—	—	—	2	—	2	1	—	1	18	2	20	4	1	5	259	107	366
1888	262	77	339	1	1	2	8	—	8	8	2	10	29	12	41	4	1	5	336	104	440
1889	253	53	306	5	1	6	7	1	8	—	—	—	20	12	32	11	6	17	337	90	427
1890	192	50	242	13	6	19	8	—	8	20	5	25	57	15	72	1	—	1	345	93	438
1891	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	664
1892	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	680

No. II.—Statement showing the Number, Sex, and Nationality of Immigrants arrived in the United States during each Year ending June 30th, from 1869 to 1892, inclusive—*continued*.

Year.	America.																				
	West Indies.																				
	Antigua.			Bahamas.			Barbados.			Cuba.			Curaçao.			Haiti.			Jamaica.		
	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.
1869	—	—	—	—	—	—	3	1	4	1,235	622	1,857	—	—	—	8	2	10	5	19	24
1870	—	—	—	—	—	—	5	3	8	848	385	1,233	—	—	—	1	1	2	1	—	1
1871	—	—	—	136	97	233	14	18	32	466	237	703	—	—	—	18	4	22	14	10	24
1872	—	—	—	226	155	381	25	12	37	504	281	785	—	—	—	11	3	14	9	5	14
1873	1	—	1	179	150	329	14	7	21	684	278	962	1	—	1	12	8	20	22	21	43
1874	1	2	3	232	217	449	16	7	23	650	330	980	1	3	4	24	11	35	12	6	18
1875	1	—	1	197	253	450	21	29	50	667	510	1,177	1	1	2	4	—	4	18	16	34
1876	1	—	1	293	230	523	24	18	42	423	280	703	2	2	4	4	—	4	13	14	27
1877	—	—	—	236	183	419	15	17	32	517	300	817	7	6	13	15	—	15	18	23	41
1878	—	—	—	178	198	376	7	—	7	389	126	515	—	—	—	12	3	15	10	8	18
1879	2	—	2	88	60	148	17	12	29	586	244	830	2	1	3	17	1	18	9	28	37
1880	2	3	5	252	210	462	8	4	12	543	206	749	1	—	1	28	11	39	14	5	19
1881	1	—	1	162	168	330	12	11	23	906	289	1,195	1	—	1	3	2	5	18	24	42
1882	13	1	14	198	225	423	17	12	29	491	186	677	7	—	7	3	3	6	22	18	40
1883	3	3	6	137	113	250	12	6	18	397	85	482	—	—	—	6	—	6	9	1	10
1884	3	2	5	321	290	611	3	—	3	1,038	435	1,473	—	—	—	1	—	1	15	5	20
1885	3	5	8	314	345	659	12	15	27	1,175	499	1,674	2	1	3	2	—	2	11	11	22
1886	3	2	5	22	26	48	3	2	5	1,524	502	2,026	5	3	8	8	6	14	24	28	52
1887	1	2	3	14	2	16	9	7	16	2,691	943	3,634	7	5	12	4	1	5	14	9	23
1888	3	2	5	73	26	99	13	13	26	2,994	1,049	4,043	—	—	—	14	7	21	31	16	47
1889	—	1	1	7	7	14	36	20	56	3,011	1,170	4,181	1	—	1	21	4	25	44	36	80
1890	6	6	12	16	11	27	62	38	100	1,486	657	2,143	2	1	3	45	17	62	60	51	111
1891	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
1892	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

No. II.—STATEMENT showing the NUMBER, SEX, and NATIONALITY of IMMIGRANTS arrived in the UNITED STATES during each Year ending June 30th, from 1869 to 1892, inclusive—*continued.*

Year.	AMERICA.																				
	West Indies.																		Total America.		
	Puerto Rico.			Saint Croix.			Saint Thomas.			Trinidad.			West Indies not specified.			Total West Indies.					
	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.
1869	10	—	10	—	—	—	—	—	—	—	—	—	201	127	328	1,462	771	2,233	13,639	10,125	23,764
1870	9	—	9	—	—	—	—	—	—	—	—	—	317	109	426	1,181	498	1,679	24,352	18,303	42,655
1871	16	1	17	13	12	25	—	—	—	—	—	—	72	41	113	749	420	1,169	28,314	20,439	48,753
1872	30	15	45	18	7	25	4	3	7	—	—	—	10	4	14	837	485	1,322	22,352	19,825	42,177
1873	19	10	29	13	19	32	1	—	1	—	—	—	121	74	195	1,067	567	1,634	22,172	18,143	40,315
1874	23	3	26	18	17	35	3	2	5	1	—	1	128	70	198	1,109	668	1,777	23,306	11,981	35,287
1875	18	2	20	9	11	20	3	1	4	1	3	4	18	6	24	958	832	1,790	17,710	8,888	26,598
1876	20	2	22	4	9	13	10	8	18	2	2	4	13	8	21	809	573	1,382	16,685	7,970	24,655
1877	8	6	14	4	1	5	3	—	3	3	—	3	22	6	28	848	542	1,390	16,499	7,546	24,045
1878	11	6	17	4	19	23	4	10	14	—	—	—	29	5	34	644	375	1,019	16,515	10,675	27,190
1879	6	—	6	1	6	7	5	3	8	3	10	13	17	5	22	753	370	1,123	19,264	13,761	33,025
1880	19	7	26	—	—	—	2	1	3	1	—	1	22	12	34	892	459	1,351	64,535	37,146	101,681
1881	22	8	30	5	5	10	5	—	5	4	—	4	25	9	34	1,164	516	1,680	76,419	51,116	127,535
1882	7	3	10	11	11	22	1	—	1	3	1	4	37	21	58	810	481	1,291	57,262	42,801	100,063
1883	9	2	11	13	7	20	2	—	2	3	2	5	53	40	93	644	259	903	41,342	30,357	71,699
1884	20	13	33	9	6	15	1	—	1	1	—	1	18	27	45	1,430	778	2,208	39,384	23,926	63,310
1885	7	2	9	8	8	16	1	—	1	—	—	—	29	27	56	1,564	913	2,477	24,422	16,737	41,159
1886	6	3	9	10	10	20	—	4	4	2	—	2	320	221	541	1,927	807	2,734	2,132	880	*a*3,012
1887	18	5	23	9	13	22	1	2	3	2	1	3	677	439	1,116	3,447	1,429	4,876	3,723	1,542	*a*5,265
1888	49	10	59	3	3	6	2	—	2	2	2	4	244	324	568	3,428	1,452	4,880	3,818	1,569	*a*5,387
1889	20	4	24	5	4	9	—	—	—	5	4	9	272	251	523	3,422	1,501	4,923	3,824	1,614	*a*5,438
1890	25	6	31	13	11	24	9	6	15	10	—	10	318	214	532	2,052	1,018	3,070	2,511	1,144	*a*3,655
1891	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	3,906	—	—	—
1892	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1,767	—	—	—

a Immigrants from the British North American Possessions and Mexico not included since July 1st, 1885.

No. II.—Statement showing the Number, Sex, and Nationality of Immigrants arrived in the United States during each Year ending June 30th, from 1869 to 1892, inclusive—*continued.*

Year.	Asia.														
	Arabia.			Armenia.			China.			India.			Japan.		
	F.	M.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.
1869	—	—	—	—	—	—	11,900	974	12,874	1	2	3	53	10	63
1870	—	—	—	—	—	—	14,624	1,116	15,740	19	5	24	46	2	48
1871	—	—	—	—	—	—	6,786	349	7,135	8	6	14	77	1	78
1872	—	—	—	—	—	—	7,605	183	7,788	7	5	12	17	—	17
1873	—	—	—	—	—	—	19,403	889	20,292	12	3	15	9	—	9
1874	—	—	—	2	—	2	13,533	243	13,776	9	8	17	18	3	21
1875	—	—	—	1	—	1	16,055	382	16,437	13	6	19	3	—	3
1876	9	—	9	3	—	3	22,521	260	22,781	14	11	25	4	—	4
1877	4	—	4	1	—	1	10,518	76	10,594	8	9	17	4	3	7
1878	—	1	1	1	—	1	8,641	351	8,992	6	2	8	2	—	2
1879	—	—	—	—	—	—	9,264	340	9,604	9	9	15	3	1	4
1880	1	—	1	1	—	1	5,732	70	5,802	12	9	21	4	—	4
1881	3	5	8	12	3	15	11,815	75	11,890	25	8	33	11	—	11
1882	6	—	6	7	4	11	39,463	116	39,579	6	4	10	5	—	5
1883	8	3	11	14	5	19	7,987	44	8,031	4	5	9	19	8	27
1884	69	3	72	11	4	15	241	38	279	9	3	12	19	1	20
1885	14	1	15	35	4	39	12	10	22	27	7	34	42	7	49
1886	21	—	21	19	—	19	25	15	40	10	7	17	160	34	194
1887	2	—	2	119	2	121	8	2	10	20	13	33	218	11	229
1888	40	11	51	38	1	39	21	5	26	15	5	20	366	38	404
1889	189	27	216	86	10	96	90	28	118	50	9	59	558	82	640
1890	184	42	226	553	45	598	1,401	315	1,716	34	9	43	601	90	691
1891	—	—	—	—	—	—	—	—	2,836	—	—	—	—	—	—
1892	—	—	—	—	—	—	—	—	2,728	—	—	—	—	—	—

No. II.—STATEMENT showing the NUMBER, SEX, and NATIONALITY of IMMIGRANTS arrived in the UNITED STATES during each Year ending June 30th, from 1869 to 1892, inclusive—*continued*.

Year.	Asia.											
	Persia.			Turkey and Asia.			Asia not specified.			Total Asia.		
	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.
1869	—	—	—	2	—	2	4	3	7	11,960	989	12,949
1870	—	—	—	—	—	—	10	3	13	14,699	1,126	15,825
1871	3	1	4	2	2	4	5	—	5	6,881	359	7,240
1872	—	—	—	—	—	—	6	2	8	7,635	190	7,825
1873	—	—	—	3	—	3	4	2	6	19,431	894	20,325
1874	5	1	6	2	4	6	8	2	10	13,577	261	13,838
1875	2	1	3	1	—	1	34	1	35	16,109	390	16,499
1876	1	—	1	5	3	8	60	52	112	22,617	326	22,943
1877	2	—	2	3	—	3	9	3	12	10,549	91	10,640
1878	—	—	—	4	3	7	3	—	3	8,657	357	9,014
1879	—	—	—	19	12	31	4	2	6	9,296	364	9,660
1880	—	—	—	1	3	4	6	—	6	5,757	82	5,839
1881	2	1	3	5	—	5	13	4	17	11,886	96	11,382
1882	1	—	1	—	—	—	16	1	17	39,504	125	39,629
1883	1	—	1	—	—	—	14	1	15	8,047	66	8,113
1884	—	—	—	—	—	—	88	24	112	437	73	510
1885	6	1	7	—	—	—	26	6	32	162	36	198
1886	—	—	—	14	1	15	11	—	11	260	57	317
1887	1	—	1	184	24	208	11	1	12	563	52	615
1888	2	—	2	230	43	273	19	9	28	731	112	843
1889	3	—	3	499	94	593	—	—	—	1,475	250	1,725
1890	10	4	14	841	285	1,126	23	11	34	3,647	801	4,448
1891	—	—	—	—	—	—	—	—	—	—	—	4,842
1892	—	—	—	—	—	—	—	—	—	—	—	5,984

No. I'.—STATEMENT showing the NUMBER, SEX, and NATIONALITY of IMMIGRANTS arrived in the UNITED STATES during each Year ending June 30th, from 1869 to 1892, inclusive—*continued.*

Year.	AFRICA.																	
	Algeria.			Egypt.			Liberia.			South Africa.			Africa not specified.			Total Africa.		
	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.
1869	—	—	—	3	1	4	11	3	14	18	17	35	15	4	19	47	25	72
1870	—	—	—	—	—	—	—	—	—	15	5	20	11	—	11	26	5	31
1871	—	—	—	3	—	3	—	—	—	2	—	2	13	5	18	18	5	23
1872	4	—	4	2	1	3	7	14	21	2	—	2	6	2	8	21	17	38
1873	1	1	2	5	1	6	—	—	—	6	2	8	4	2	6	16	6	22
1874	2	2	4	1	—	1	—	—	—	1	1	2	6	—	6	10	3	13
1875	—	—	—	5	3	8	10	7	17	2	1	3	7	—	7	24	11	35
1876	12	2	14	4	1	5	5	9	14	2	1	3	4	1	5	27	14	41
1877	1	—	1	1	—	1	—	—	—	—	—	—	8	6	14	10	6	16
1878	—	—	—	1	—	1	—	—	—	5	2	7	3	1	4	9	3	12
1879	2	—	2	1	—	1	—	—	—	1	—	1	6	2	8	10	2	12
1880	—	1	1	2	—	2	1	—	1	3	—	3	7	3	10	13	4	17
1881	—	—	—	—	—	—	2	5	7	6	2	8	6	4	10	14	11	25
1882	11	4	15	3	1	4	1	—	1	1	2	3	8	1	9	24	8	32
1883	—	4	4	23	18	41	1	—	1	1	—	1	7	2	9	32	24	56
1884	—	—	—	3	2	5	—	—	—	1	—	1	4	3	7	8	5	13
1885	1	1	2	14	—	14	2	—	2	2	1	3	17	6	23	36	8	44
1886	1	—	1	31	5	36	2	2	4	—	1	1	10	4	14	44	12	56
1887	2	—	2	5	—	5	1	—	1	1	2	3	14	1	15	23	3	26
1888	11	5	16	5	—	5	2	2	4	—	—	—	14	3	17	32	10	42
1889	4	4	8	27	6	33	—	—	—	—	—	—	31	9	40	62	19	81
1890	11	—	11	9	2	11	5	3	8	5	2	7	22	3	25	52	10	62
1891	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
1892	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

No. II.—Statement showing the Number, Sex, and Nationality of Immigrants arrived in the United States during each Year ending June 30th, from 1869 to 1892, inclusive—*continued*.

Year.	Islands of the Atlantic.											
	Azores.			Bermuda.			Cape Verde.			Islands of the Atlantic not specified.		
	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.
1869	258	162	420	3	—	3	—	—	—	1	1	2
1870	275	167	442	3	—	3	—	—	—	2	3	5
1871	368	229	597	39	43	82	1	—	1	9	16	25
1872	635	255	890	19	9	28	3	—	3	9	15	24
1873	786	375	1,161	15	5	20	6	—	6	15	7	22
1874	1,093	458	1,551	37	15	52	29	16	45	35	3	38
1875	749	427	1,176	33	9	42	14	5	19	14	5	19
1876	506	300	806	25	6	31	33	15	48	6	6	12
1877	766	306	1,072	13	7	20	—	—	—	3	1	4
1878	430	242	672	6	8	14	3	3	6	2	—	2
1879	616	366	982	11	7	18	—	—	—	4	1	5
1880	331	217	548	5	6	11	1	—	1	3	—	3
1881	708	336	1,044	27	15	42	7	1	8	4	—	4
1882	890	504	1,394	61	5	66	15	13	28	—	—	—
1883	902	495	1,397	24	6	30	4	7	11	2	3	5
1884	814	412	1,226	25	4	29	35	11	46	—	—	—
1885	1,031	553	1,584	36	8	44	49	19	68	1	3	4
1886	648	308	956	13	1	14	35	31	66	9	9	18
1887	799	451	1,250	5	—	5	11	3	14	3	7	10
1888	1,117	485	1,602	12	3	15	19	4	23	3	1	4
1889	1,253	714	1,967	19	2	21	87	19	106	8	7	15
1890	1,560	882	2,442	107	71	178	36	14	50	6	6	12
1891	—	—	—	—	—	—	—	—	—	—	—	—
1892	—	—	—	—	—	—	—	—	—	—	—	—

No. II.—Statement showing the Number, Sex, and Nationality of Immigrants arrived in the United States during the Year ending June 30th, from 1869 to 1892, inclusive—*continued.*

Year.	Islands of the Pacific.											
	Australia.			Hawaiian Islands.			New Zealand.			Islands of the Pacific not specified.		
	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.
1869	—	—	—	—	—	—	—	—	—	—	—	—
1870	14	14	28	—	—	—	3	5		—	—	—
1871	11	4	15	2	1	3	2	1	3	—	—	—
1872	1,957	219	2,176	165	38	203	4	—	4	29	4	33
1873	990	140	1,130	194	41	235	2	3	5	44	—	44
1874	781	174	955	140	14	154	1	4	5	66	12	78
1875	878	219	1,097	146	17	163	1	6	7	1	—	1
1876	976	229	1,205	98	9	107	—	—	—	—	—	—
1877	764	144	908	2	—	2	3	1	4	—	—	—
1878	506	92	604	—	—	—	2	—	2	—	—	—
1879	704	108	812	3	—	3	—	1	1	—	—	—
1880	799	154	953	—	—	—	—	—	—	1	—	1
1881	985	202	1,187	2	—	2	1	—	1	1	—	1
1882	740	136	876	3	2	5	—	2	2	4	2	6
1883	428	126	554	112	80	192	—	—	—	1	—	1
1884	338	163	501	295	103	398	1	—	1	—	—	—
1885	302	143	445	163	67	230	3	1	4	—	—	—
1886	357	161	518	384	220	604	3	1	4	9	1	10
1887	393	134	527	442	302	744	1	—	1	3	7	10
1888	485	208	693	1,001	680	1,681	—	4	4	9	—	9
1889	646	350	996	702	461	1,163	2	2	4	29	4	33
1890	479	213	692	293	151	444	6	1	7	17	7	24
1891	—	—	—	—	—	—	—	—	—	—	—	—
1892	—	—	—	—	—	—	—	—	—	—	—	—

No. II.—STATEMENT showing the NUMBER, SEX, and NATIONALITY of IMMIGRANT arrived in the UNITED STATES during the Year ending June 30th, from 1869 to 1892, inclusive—*continued*

Year.	Greenland, Iceland, and the Faroe Islands.			Countries not stated.			Born at Sea.			Total Immigrants.		
	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.
1869	—	—	—	10	5	15	—	—	—	214,865	137,903	352,768
1870	—	—	—	12	10	22	—	—	—	235,612	151,591	387,203
1871	—	—	—	21	11	32	19	10	29	190,428	130,922	321,350
1872	—	—	—	11	8	19	72	49	121	240,170	164,636	404,806
1873	—	—	—	—	—	—	77	61	138	275,792	184,011	459,803
1874	—	—	—	—	—	—	45	45	90	189,225	124,114	313,339
1875	150	—	150	1	1	2	28	27	55	139,950	87,548	227,498
1876	8	3	11	1	—	1	11	12	23	111,786	58,200	169,986
1877	31	—	31	—	2	2	12	9	21	92,053	49,824	141,877
1878	87	21	108	—	—	—	7	6	13	86,259	52,210	138,469
1879	135	72	207	—	—	—	23	8	31	111,882	65,944	177,826
1880	244	152	396	—	—	—	33	27	60	287,623	169,634	457,257
1881	40	20	60	11	2	13	56	30	86	410,729	258,702	669,431
1882	19	9	28	—	—	—	45	54	99	496,814	290,178	788,992
1883	27	9	36	—	—	—	36	38	74	363,863	239,459	603,322
1884	144	110	254	8	4	12	50	36	86	308,509	210,083	518,592
1885	7	4	11	—	—	—	30	37	67	226,382	168,964	395,346
1886	27	18	45	—	—	—	29	26	55	a200,704	a133,499	334,203
1887	65	61	126	—	—	—	28	35	63	a306,658	a183,451	490,109
1888	5	—	5	—	—	—	32	25	57	a345,375	a201,514	546,889
1889	2	2	4	—	—	—	31	24	55	a263,024	a181,403	444,427
1890	6	7	13	—	—	—	29	21	50	a281,853	a173,449	455,302
1891	—	—	—	—	—	—	—	—	—	—	—	a560,319
1892	—	—	—	—	—	—	—	—	—	—	—	a623,084

a Immigrants from the British North American Possessions and Mexico not included since July 1st, 1885.

detail. With the exception of the immigration from Russia and Poland the figures given by the Superintendent for the separate countries are in every case less than those of the Bureau; in some cases there is a difference of several thousands. It may be that a different method of calculation has been adopted by the Superintendent for the fiscal year 1892, but no statement to this effect is made in his report, and the figures for previous years, which he gives for purposes of comparison, are taken from the reports of the Bureau. The statistics given by the Bureau for the calendar year 1892 show a decrease of 75,833 in the number of immigrants during the last six months of the year as compared with the corresponding period in 1891, but a decrease of 47,179 only for the year as a whole. There must, therefore, have been an increase of 28,654 during the first half of 1892 as compared with the first half of 1891, and even allowing for the fact that the Alien Contract Labour Act of 1891 did not come into force till April 1st, it must be admitted that, unless the number arriving between January 1st and April 1st 1891 was proportionately very much greater than that between April 1st and July 1st, there can scarcely have been a positive decrease in April, May, and June 1892, as compared with those months in 1891. The only period, therefore, since the passing of the Alien Contract Labour Act of 1891, for which there is positive evidence of a decrease in immigration, is the latter half of the calendar year 1892, and it was during this period that strict quarantine regulations were in force both in Europe and in the United States on account of the prevalence of cholera. Emigrants from the ports of Hamburg and Bremen in particular, through which by far the greatest part of the purely steerage emigration passes from Northern and Eastern Europe, were for a time subjected to the severest quarantine in American ports. Little evidence of the effectiveness of restriction laws can, therefore, be drawn from the actual numbers of immigrants arriving.(1)

4. Character of immigration.

With regard to the character of the immigration the statistics given in Table I. for the fiscal year 1892 show that there has been a great increase in the immigration from Austria, Hungary, Russia, Poland, Germany, Scandinavia, and the lesser European countries, especially from Belgium, Spain, Portugal, and Greece. (*See* Table II.) The Superintendent of Immigration states that "the excess of 63,000 immigrants arriving "in our country during the past year above the arrivals for the fiscal year ending June 30th, 1892, is "nearly equal to the Russian-Hebrew immigration that "came to us as a result of the unfortunate condition "of the Hebrews in Russia." The excess of the Russian and Polish immigration, however, over that of the preceding year is only 47,124 on the showing of the Superintendent, and 42,769 on that of the Bureau of Statistics. There remains therefore a balance of some 20,000 to be otherwise accounted for, and it is remarkable that, with the exception of the Scandinavian contingent, the statistics show this excess to be drawn from all those countries which send the poorest class of immigrants. The Italian immigration, which is of a very low-class order, and at one time included a large number of contract labourers, shows a diminution in 1892, but the number of Italian immigrants is still above that for 1890. The most important diminution is in the immigration from Great Britain, a country generally regarded by United States authorities as sending a good class of immigrants. Further the French immigrants, who, according to the Superintendent of Immigration, bring the largest amount of money per capita, decreased in 1892, as did also the Irish and the Danish. On the whole, therefore, there is still reason to think that, as Professor Mayo Smith stated in 1890, the character of the immigration into the United States is deteriorating. Not only is it the poorer countries who are now sending a larger proportion of immigrants than formerly, but in several European countries the emigration statistics show that the movement is being steadily pushed back to the poorer districts. In 1883, whilst the average emigration of natives of Ireland was two and one half times what it was in 1878, in Clare the increase was three times, in Kerry and Leitrim four and one half times, in Galway and Mayo seven times, and in Sligo nine times the number in the former year. Again in 1886 the average emigration for the whole of Ireland was 12·3 to every 1,000 of population, but the western counties were all above this average, and show a proportion of 20·3 in Clare, 20·2 in Kerry, 19·4 in Leitrim, 16·1 in Galway, and 15·1 in Sligo. In Germany the proportion of emigrants from the country as a whole for the year 1881 was 4·63 per 1,000 of the population, and in Prussia alone it was 5·28 per 1,000; but for Pomerania it was 16·68, for West Prussia 16·84, for Posen 13·08, and for Schleswig-Holstein 10·76. Indeed in Pomerania, West Prussia, and Schleswig-Holstein the emigration exceeded the natural increase of population.(2) On the whole, however, the German immigrants are a useful class, and tend to become American citizens. This is shown incidentally by the very large number of women and children who come with them; in 1892 the number of male immigrants was 66,897, whilst that of female immigrants was 52,271. It is also stated in an American Consular Report of 1890 that since the retirement of Prince Bismarck and the change in the attitude of the German Government towards the Socialist party, the number of German anarchists and socialists emigrating to the United States has considerably diminished. The American Consul at Hamburg stated that though there was no actual emigration of paupers to the United States, the amount of money taken over by the average emigrant was very limited, and that over half of the steerage passengers that went to the States in 1889 went on tickets prepaid for them by relatives in the United States. A certain proportion of these German emigrants return from the States every year, going back to America sometimes within a year. In 1889 the number returning by the North German Lloyd Company's steamers was 20,102. This movement to and fro is also very remarkable amongst the Italian emigrants, who go in large numbers to perform unskilled manual labour in the States. These emigrants are drawn almost entirely from the peasants of the southern provinces, and in very many cases return to Italy for the winter. Sometimes the number returning in the month of December to Naples is over 1,000, and in hard winters and times of bad trade it is always increased. The total number returning in 1887 was 18,039, in 1888 it was 27,295, in 1889 35,103, in 1890 55,523, and in 1891 75,245. The collapse of so many South American enterprises is in part responsible for the increase in Italian immigration to the United States since 1889 (*see* p. 199). Both the Italian, German, and Austrian Governments attempt to check the tide of emigration which frequently leads to the evasion of military service, but no restriction laws have as yet proved of any avail, for intending emigrants make their way across the frontier to the ports of Northern Europe. The great majority of the emigrants sailing from Havre and Marseilles are Italians, and only 12 per cent. of the emigration from Antwerp is Belgian; the rest is Italian, French, Austro-Hungarian, Dutch, and Russian. Through Marseilles there is also a growing oriental emigration of Syrians and Armenians to the United States, which the American Consul regards as a serious question. Where Italian immigrants are employed in the cultivation of the soil and growing fruit and vegetables, they have proved valuable to the United States. In the same way the Scandinavian immigrants into New England and into the North Western States have greatly developed the country, and Dutch immigrants are doing valuable service in California. The proportion of women and children amongst British and Irish immigrants is very large, and appears to show an increasing tendency on the part of husbands settled in the States, to send for their wives and children. A large proportion of the Irish emigrants are drawn from the very poor. It is difficult to obtain any accurate statistics with regard to French Canadian immigration, but the Collector of Customs at Island Pond, Vermont, estimates that the French Canadians passing through Vermont from Canada in 1890 were about 17,000, and that they brought with them on an average five dollars a head. It is said that almost all French Canadian immigrants pass through Vermont; nevertheless the number given by the Superintendent of Immigration for 1892 is much greater, viz., 60,000. About 16 per cent. return to

(1) Annual Report of the Superintendent of Immigration, 1892, pp. 7, 8, 11. European Emigration, Special Consular Reports, 1890, p. 252, Annual Report of Chief of Bureau of Statistics on Foreign Commerce, 1892, pp. 87, 89. Similar phenomena are noticed by Dr. Giffen in his Report on Emigration and Immigration from and into the United Kingdom during the same year.

(2) Annual Report of the Superintendent of Immigration, 1892, pp. 8, 14. Mayo Smith, "Emigration and Immigration," 1890, pp. 22-24, 132-134. Report of Committee on Introduction of Contract Labour, 1889, pp. 4647-655.

Canada, but "the tendency is for an increasingly "large per-centage of them to become permanent "dwellers . . . . in the manufacturing cities of New "England especially." Against the French Canadian immigration into the States in the summer must be placed the emigration from Montana and Dakota to British Columbia in the winter on account of the more genial character of the British Columbian climate.(1)

5. Effect of immigration.

In view, therefore, of this tendency to draw from the poorer districts of Europe and to import immigrants with a lower standard of living than that of the American workmen, it has appeared to American statesmen desirable to impose certain restrictions upon alien immigration of every kind as well as upon Chinese immigration. Without such restriction serious consequences of a political, economic, and social character might in their opinion be expected to ensue. Amongst the political effects of an extensive immigration, Professor Mayo Smith enumerates the number of foreign-born voters who will be added from amongst immigrants of whom a large proportion are adult males, the effect of this foreign element upon politicians desirous of winning the foreign vote, and the danger of outbreaks from anarchists and socialists, who are hostile to American institutions and yet have obtained the voting power. These effects may be to a certain extent neutralised by the influence upon the immigrants of the American language, nationality, and institutions, and by the exercise of greater care in permitting aliens to become naturalised.

(a.) Political.

The foreign-born population from 1820 to 1892 is distributed as follows:—

Germany	4,731,023
Ireland	3,595,006
England	2,501,973
Norway and Sweden	1,031,507
Austria and Hungary	563,976
Italy	523,995
France	376,126
Russia and Poland	512,260
Scotland	338,652
Switzerland	184,470
Denmark	162,852

In all 14·56 per cent. of the entire population are of foreign birth according to the census of 1890.(2)

(b.) Economic.

Putting on one side as a thing of the past the beneficial influence exercised by the earlier immigrants upon the development of American agriculture and industries, the economic advantages of immigration in recent years must consist either in the capital brought by the immigrants or the value of their labour. This capital was said by Professor Mayo Smith in 1890 to be decreasing. In 1856 it was estimated at $100 a head by Mr. Friedrich Kapp, one of the Commissioners of Emigration for New York, but Dr. Becker has since calculated it for Germany at from $75 to $100, and the statistics given by the Superintendent of Immigration for the 152,360 immigrants landing in New York during the first half of 1892 only give an average of $20.09 for each immigrant. The adult French immigrants brought the highest average sum, viz., $55.67, the Swiss the next, the Welsh the third, and the Germans the fourth. Hungary, Italy, and Poland are lowest with $11.75 for each adult. The Russian immigrants brought $22.10 on an average, but it should be noted that the sums brought by a few were very large, in one case as much as $25,000. A large number were almost destitute. But as Professor Mayo Smith points out, the value of even $100 for each immigrant cannot be properly weighed without considering the average wealth per capita of the United States. This he puts at $1,000; consequently if the immigrant and his labour are not themselves of value to America the addition of $100 capital will not prevent his presence from diminishing the average well-being of the community. The real economic value of the immigrant depends, therefore, on the amount of productive labour power which he brings with him, and on the demand for that labour. The United States statistics show that nearly one half of the immigrants including women and children are persons without occupation. Of the other half a very large proportion are mere unskilled labourers. Between 1881 and 1890 skilled labour was represented by only 10·35 per cent., and in 1891–2 by only about 9 per cent. of the whole number of immigrants. The demand for this unskilled labour is distinctly diminished, more especially where it is not directed to the districts in which it can be profitably employed. Hence though direct competition between alien and American labour is not very severe in the case of skilled labour, with the exception of the New England factories, the competition of low-class contract labour is severely felt in the sweated industries and in industries such as mining and railroad construction, which employ general labourers. In these industries strikes are rarely successful, and the employers are in a position to impose their own conditions, since it is at any time possible for them to replace their staff by the lower-priced if less effective labour of Italians, Poles, and Hungarians, whose standard of living is infinitely below that of the native Americans. In the sweated industries, according to the report of the Committee of Congress in 1893, the persons employed are largely newly arrived immigrants, and the deterioration in the conditions of labour in those industries has been coincident with the increase in the immigration of Russians, Poles, Hungarians, and Italians.(3)

(c.) Social.

With regard to the social effects of unrestricted immigration that upon the standard of living in the districts and cities where the low-class foreign labour congregates is apparent from the statistics of pauperism and poor relief. The Secretary of State for New York reported in 1887 that there were in county poor-houses 9,172 native paupers and 9,288 foreign-born paupers, whilst in the city poor-houses there were 18,001 natives and 34,167 foreign born. The Secretary of the New York Board of Charities reports that in 1887 the board removed 216 chronic and disabled alien paupers, most of whom had been public burdens from the moment they arrived in the States, to their homes in different parts of Europe. According to the census of 1890 the foreign-born inhabitants of the United States or their immediate descendants contributed very nearly three fifths of all the paupers supported in almshouses. In drawing out any comparison, however, between the relative proportions of disease, crime, pauperism, and illiteracy amongst the native Americans and the foreign born it must be kept in mind that a population including both upper and lower classes is being compared with one drawn to a very large extent from the lower classes alone and including, moreover, an abnormal proportion of persons in the middle and upper age classes. Paying due regard to this consideration, it will be found that the statistics of disease, insanity, and mortality do not show that the foreign-born population are affected in any undue proportion; but, on the other hand, the statistics of crime, pauperism, and illiteracy are much more unfavourable to the alien element. In Massachusetts in 1885 only 16·99 per cent. of the prisoners had both parents native born, whilst 60·30 per cent. had both foreign born. Of the convicts 19·70 had both parents native born and 51·14 per cent. had both foreign born. The per-centage of the population who were foreign born was 47·36. With regard to illiteracy the proportion of the foreign-born white population above the age of ten who could neither read nor write was given in the census of 1880 as 12 per cent., whilst that of the native white population was 8·7 per cent. In Massachusetts, out of 108,365 foreign illiterates more than 100,000 were twenty years of age and over; these illiterates were for the most part Irish and French Canadian. In the United States as a whole the foreign-born, the coloured, and the native white population, which outnumbers the two others, each furnish about one third of all the inmates of the State prisons and penitentiaries. The practice of State-aided emigration and of emigration carried out by philanthropic societies must in Professor Mayo Smith's opinion be held partly responsible for the presence of undesirable immigrants. In 1883, 27 discharged convicts were sent out by a philanthropic society at Munich, and the same society sent out 29 in 1884. Between 1851 and 1886 the poor-law guardians of the United Kingdom assisted 40,154 poor persons, who had not yet come upon the rates, to emigrate. The committee organised by Mr. James Tuke

(1) Annual Report of the Superintendent of Immigration, 1892, pp. 11, 14. European Emigration, Special Consular Report, 1890, pp. 213–273. 276, 277, 284–287. Statistica della Emigrazione Italiana, 1891, p. xx. Report of Parliamentary Committee on Colonisation, 1889, p. 182.

(2) Mayo Smith, "Emigration and Immigration," 1890, pp. 79–92. Annual Report of the Superintendent of Immigration, 1892, p. 16.

(3) Mayo Smith, "Emigration and Immigration," 1890, pp. 93–146. Annual Report of the Superintendent of Immigration, 1892, pp. 15, 26. Report of the Committee on Manufactures on the Sweating System, 1893, pp. xx–xxix.

sent 1,500 persons in 1882 to the United States and Canada, and in the two following years the emigrants assisted by them were 16,000. 9,306 of the Russian immigrants who landed during the first six months of 1892 were almost entirely destitute, and according to the report of the Superintendent of Immigration "the "vast majority of them came on tickets furnished by "the Baron Hirsch Fund." The presence of undesirable immigrants is, however, due in a far greater degree to the efforts of agents and brokers, who bring over contract labour by means of prepaid tickets and advances, which the immigrant is required to repay out of the proceeds of his first year's labour.(1)

6. Restrictive legislation. (a.) Federal.

To meet some of these abuses, and to restrain immigration within due limits, the United States have passed four Acts, in 1882, 1885, 1891, and 1893. The first provides for a poll-tax of 50 cents on every immigrant by sea, and for the inspection of vessels bringing immigrants. Any convict, lunatic, idiot, or any person unable to take care of himself or herself without becoming a public charge will, under this Act, be refused permission to land. Foreign convicts, except those convicted of political offences, may be sent back at the expense of the owners of the vessels. The number of immigrants sent back under this Act from the port of New York was 1,350 in 1883, 1,144 in 1884, 1,172 in 1885, 997 in 1886, 289 in 1887, and 502 in 1888. In addition, 569 persons unable to maintain themselves were sent back either wholly or in part at the expense of the New York Commissioners of Emigration.

In 1885 an Act was passed prohibiting the importation of contract labour, and by an amendment of 1887 no contract labourer is to be allowed to land, but must be sent back at the expense of the owners of the vessels. A further amendment of 1888 provides that informers are not to be paid more than 50 per cent. of the penalties received, and that immigrants of the prohibited classes who have landed may be sent back within one year of landing. An amended Alien Contract Labour Act of 1891 still further strengthened the exclusion clauses, and appointed a superintendent of immigration under the Treasury Department.

Allusion has already been made to the first annual report of the superintendent on the working of the Act. It is somewhat optimist in tone, but though it states that "the number of landings would have increased "enormously but for the restrictive features adopted "March 3rd, 1891," it does not bring forward any evidence beyond the fact that "steamship agents report "their refusal to sell tickets to 50,000 applicants for "emigrant passage." The statistics, as stated above, show an increase in immigration, but the report states that "the law has exercised a wholesome and "deterrent effect," and "that the character of the "immigrants arriving during the past year is greatly "superior to that of many previous years." They seem, however, to have been largely drawn from countries sending the poorest class of immigrants. As proof that "the alien contract labour law has more "fully met the anticipation of its advocates than during "any previous year," the Superintendent of Immigration states that 1,763 contract labourers were returned to the countries from which they had come in the fiscal year ending June 30th, 1892, as against 123 in the previous year. Of these 1,763, 831 were returned to Canada and 932 to Europe. The total number returned for all causes was 2,801, 616 of whom were Italians, 477 Russians, 344 Austrians, 260 Germans, 252 Irish, 233 English, 155 Hungarians, 51 Swedes, 39 Poles, 36 Scotch, 24 Finns, 20 Dutch, 19 Norwegians, 15 Belgians, 15 Danes, 15 Bohemians, 11 Swiss, and 187 from other countries. The clause in the Act which seeks to prevent the importation of foreign labour by means of advertisements has been evaded by the mere omission in such advertisements of any direct promise of employment; otherwise the advertisements are continued as before. The clause empowering the Secretary of the Treasury to prescribe rules for inspection along the borders of Canada, British Columbia, and Mexico has been practically inoperative owing to the limitations inserted. The Superintendent of Immigration recommends that these two clauses should be amended, and that in view of the danger of the importation of cholera, immigration should be suspended for one year from March 1st, 1893. Special regulations on the subject of quarantine have been embodied in an Act of February 15th, 1893.(2)

In 1891 a Commission was sent by the Government of the United States to study the conditions under which emigration took place from Europe, and to make recommendations in accordance with the result of this investigation to Congress. The Secretary to the Treasury, in presenting the Commissioners' reports in February 1892, recommended that there should be a considerable increase in the amount of cubic space allotted to each emigrant on board an emigrant ship, that the poll-tax of 50 cents should be abolished, and that in place of it the captains of steamships bringing emigrants should be obliged to pay a license fee to the American Treasury equal to $1 for every emigrant. Further, the captains of steamships should be bound over in $50,000 to convey back all emigrants of the prohibited classes who are discovered within two years after their landing to have entered the country contrary to the laws, and some system of preliminary inspection at the port of embarkation should be instituted. The recommendations made by the different Commissioners are of a varying and sometimes of a contradictory character. All agree that inspection at the port of embarkation, whether by the consuls or by special Government agents, or by the agents of steamship companies, would restrict immigration; but some hold that it would exclude chiefly those liable to military service who are of the more desirable classes, whilst others hold that it would preserve the United States from immigrants of the prohibited classes. Again the views taken by individual Commissioners as to the amount of contract labour introduced, the efforts made by steamship agents to induce immigration and similar questions differ widely. Two of the Commissioners state that 60 per cent. of the immigrants landing in New York and in other United States ports within recent years have come with tickets bought in America and sent to them by relations and friends. The Commission's inquiry resulted in a demand for fresh legislation, and an agitation in favour of requiring a certificate as to character from all future immigrants. Further, since European Governments might be suspected of distributing such certificates with a view to relieving themselves of disturbing elements, it was proposed that the American Consuls should be given a right of control and of investigation into the antecedents of intending emigrants. It has also been proposed that besides the tests of consular registration, medical inspection, property qualification, and ability to exercise a trade or profession, every immigrant should be required to show that he can read and write his own language. The feeling in America generally is shown by the formation in Baltimore of an association, which takes as its motto, "America for the Americans." It demands greater restrictions upon immigration, and even its entire suspension for a term of years, as well as the exclusion from public offices of all persons not born of United States parents. A circular, issued by Mr. Powderly, Grand Master Workman of the Knights of Labour, to his Order recommends the introduction of fresh restrictions upon every kind of labour which in any way resembles that of the Chinese. He alludes especially to the Japanese immigration into San Francisco. These Japanese labourers are intended for work on the sugar plantations of the Southern States, but their number is comparatively small, since, according to the report of the Superintendent of Immigration in 1892, the Japanese population of the United States only amounted to 3,500. The general state of feeling on the subject is still further shown by the alternative proposals made by Senator Chandler to the Senate Committee of Immigration, that immigration should be prohibited for a certain term of years, or that no immigrant should be allowed to land unless he can show that he can read and write his own language, and that he possesses a capital of not less than $100. In consequence of this agitation an Act of March 3rd, 1893, has been passed by the Federal Government, obliging all masters or commanding officers of emigrant vessels to draw up lists at the time of embarkation of all intending alien immigrants, stating their occupation, ability to read or write, nationality, last residence, destination, and condition of health. The lists should also state whether the immigrant has bought his own ticket or in what

(1) Mayo Smith, "Emigration and Immigration," 1890, pp. 147-200. Annual Report of the Superintendent of Immigration, 1892, pp. 12, 19-30.

(2) Mayo Smith, "Emigration and Immigration," 1890, pp. 1. Arrival of Alien Passengers and Immigrants in the United States *from 1820 to* 1890, pp. 100, 101, 105-107, 111-113. Annual Report of the Superintendent of Immigration, 1892, pp. 266-283, pp. 8-12. For texts of Act *see* pp. 204-207.

manner he has obtained it, whether he is going to join relatives, and whether he has been in the United States before. If the immigrant has ever been in a prison or almshouse or has been supported by charity, this must be stated, and inquiry must be made as to whether he is under any kind of contract to perform labour in the United States. The commanding officer must, before sailing, state on oath to the United States Consul that such a list has been made, that the ship's surgeon has examined the passengers, and that no immigrants of the excluded classes are, to the best of his knowledge, to be found on board. The ship's surgeon must make a similar statement on oath. Failure to deliver such a list at the port of disembarkation, will be punished by a fine of $10 for each immigrant, or the exclusion of the immigrants. All steamship and transportation companies are also required to post up in their offices a copy of the Act of 1891 in the language of the country, and to direct their agents to call the attention of intending emigrants to its provisions. It will be observed that the Act of 1893, signed by President Harrison, is in complete accordance with the previous Protectionist policy of the outgoing Government. The Senate has since passed a resolution instructing the Immigration Committee to inquire into the condition and character of alien immigrants coming into the United States and into the enforcement of the Contract, Labour, and Immigration Laws.(1)

(b.) State.

In 1847 an Act of the New York Legislature established the first Board of Emigration Commissioners for the State of New York. These Commissioners, six in number, together with the Mayors of New York and Brooklyn, and the Presidents of the German and Irish Immigration Societies, were to take charge of all immigrants who within five years of their landing became chargeable to the State. Money was to be provided by levying a tax upon all immigrants of $1 a head, which was afterwards increased to $2 and then $2.50. In 1855 these Commissioners secured Castle Garden, where immigrants are still examined, though up to the passing of the Act of 1891 this examination was utterly inadequate to exclude immigrants of the prohibited classes. The Commissioners also acquired land on Ward's Island, and built their own hospitals. In 1882 the term of five years was reduced to one year, after which immigrants may be turned over to the county authorities. In 1876 the poll-tax was declared unconstitutional, and the tax levied under the Federal Act of 1882 is controlled by the Secretary of the Treasury, though he contracts with the New York Commissioners to do the work of inspection. Disputes have arisen as to the rental of Castle Garden and the Ward's Island Hospital. Finally the Commissioners are empowered to inspect the immigrants, but the decision as to which shall be sent back rests with the collector of the port. In 1888 he allowed 28 per cent. of those rejected by the Commissioners to land in the port.

Acts dealing with alien immigration and contract labour have also been passed by the Legislatures of Massachusetts, Virginia, Wyoming, Indiana, Idaho, and Illinois. In some cases these are superseded by the Federal legislation, in others they are merely concerned with the employment of alien labour upon public works.(2)

C.—Experience of South America and Mexico.

1. Rise of the immigration question.

European immigration to South America is for the most part centred in Brazil and in the Argentine Republic, but efforts to attract immigrants have also been made by Chili, Peru, and Uruguay. In Mexico a law was passed in 1885 to facilitate the taking up of land by immigrants.

Immigration into Brazil first became an important question when the movement towards the abolition of slavery began to make way. From 1820 to 1872 the number of immigrants arriving was very small, but from 1873 onwards it increased very rapidly. A law of 1831 had declared all Africans imported to be free, and though Bills to repeal this were from time to time introduced, they never succeeded in passing more than one Chamber. Nevertheless African slaves were continually imported whilst the law remained unrepealed; in 1850 the slave population amounted to 2,500,000 out of a total population of 6,000,000, and in 1862 it was 3,000,000 out of 7,000,000. Between 1872 and 1888 a considerable number of negroes were from time to time given their freedom, and on May 13th, 1888, slavery was finally abolished. The same difficulties were experienced by the Brazilian planters as had been experienced by the planters of the southern part of the United States and of the West Indian Islands (*see* p. 101 of Report). The liberated negroes either refused to work at all or desisted from work as soon as they had earned enough to satisfy their limited desires, and long before the final abolition of slavery a dearth of labour had made itself felt. Consequently, the planters and the Brazilian Government turned their attention to the importation of labour from abroad, with the result that the number of immigrants, which in 1878 was 22,423, had in 1888 risen to 130,000. A reference to the table on p. 199 will show that the Italian immigration, which in 1887 was 31,445, rose in the following year, that of the abolition of slavery, to 97,730. The efforts to stimulate immigration to the other South American States, and especially to the Argentine Republic, seem to have been prompted in part by speculative finance and in part by the legitimate desire to open up and develop a country inadequately peopled. A Foreign Office Report of 1889 points out that the financial "burdens which may "appear excessive for a nation of 3,500,000 will be "lightly borne by a population of double that number," and that "the owners of the large amount of capital "invested in the country cannot fail to derive great "benefit from the rapid increase of the population." On the other hand, it will be shown below that the encouragement given by the Argentine Government to immigration has in same cases been converted by speculators to their own uses.(3)

2. Measures adopted for inducing immigration. (a.) Into Brazil.

Immigration into Brazil had been suspended by a law of 1879, but the Brazilian Government, foreseeing the difficulties likely to be experienced by the country from the dearth of labour which would follow the gradual abolition of slavery, annulled this law and decreed, on September 28th, 1885, that one-third of the sum set apart for the emancipation of slaves should be devoted to colonisation or to the fostering of immigration. This fund was to be applied to the organisation of a regular propagandist service in foreign countries, and to defraying the expense of transporting immigrants from their homes in Europe to their destination in Brazil, as well as to the re-organisation of the marking out and measuring of the lands granted by the Government. Government agents were accordingly appointed, the aid of the Brazilian Consuls in Europe was invoked, and notices were published in Italian, German, and other languages, setting forth the advantages offered to immigrants. These included lodging and maintenance at the Island of Flores, free conveyance from that island by rail or steamer to the point nearest the destination of the immigrant, the concession of 75 acres of good land, with a house, at a cost of 495 milreis (about 24*l.* 15*s.*), to be paid off within five years, and prizes to such immigrants as could show a good return from their land. In 1888 the Government gave free passages to the relations of immigrants already in the country, and the São Paolo Assembly voted 700,000*l.* for the purpose of introducing 100,000 immigrants within the year. Private individuals are sometimes entrusted with the task of selection. In 1888 a private resident at Pernambuco obtained a contract from the Brazilian Government to introduce immigrants into the province, and a Foreign Office Report of 1887 states that "within "the past two years immigration has considerably "developed, owing to private enterprise sanctioned "by the Provincial Government." It was also stated that a native steamship company was in process of formation at Santos, with a view to promoting immigration to São Paolo. In 1890 the Federal Government somewhat modified the law as to immigration. According to a decree of June 28th of that year, free admission is given to all immigrants able to work and

(1) Report of the Commissioners of Immigration, 1892. The statements made by the Commissioners with regard to European emigration will be dealt with in greater detail in future reports. Annual Report of the Superintendent of Immigration, 1892, p. 13. Speech by Hon. Henry Cabot Lodge, February 1891. Godio, "L'America ne' suoi primi fattori la Colonizzazione e l'Emigrazione," 1893, pp. 260-262. Rossi, "Del Patronato degli Emigranti in Italia e all' Estero," 1893, pp. 45-49. "Times," April 7th, 1893. For text of Act *see* p. 207.

(2) Mayo Smith, "Emigration and Immigration," 1890, pp. 217-226. Text of Acts, p. 208.

(3) Foreign Office Reports, Annual Series, No. 32, 1886, p. 9; No. 315, 1888, pp. 2, 3; No. 504, 1889, pp. 39-41. Miscellaneous Series, No. 45, 1887, pp. 3, 4; No. 123, 1889, No. 315, 1888, pp. 4, 5; No. 606, 1889, p. 4; No. 498, pp. 1-3. Rossi, "Del Patronato degl' Emigranti in Italia e all', Estero," 1893, p. 58.

not guilty of offences against the criminal law of their own country, but the introduction of natives of Asia or Africa requires special authorisation by the national Parliament. Brazilian Consuls are directed to prevent the coming of such immigrants, and to communicate, by means of the telegraph, with the Federal Government if any contrive to elude their precautions, so that they may be turned back at the port of disembarkation. Notwithstanding these precautions, the Parliament at Rio Janeiro has recently (1893) been induced to pass a law in favour of the introduction of immigrants from China and Japan, setting apart a sum equal to 400,000*l.* for that purpose. It may be noticed in passing that a similar feeling in favour of the importation of Chinese labour exists in the United States of Columbia, and the existence of a law of 1888 prohibiting such importation is a matter of regret even to certain members of the Government. By the law of 1890, free or assisted passages may be given to the families of agriculturists, including the heads of those families or their dependents, and to unmarried men between the ages of eighteen and fifty, who are agricultural labourers, mechanics, artisans, or domestic servants, at the rate of 120 francs to the transportation companies for every adult immigrant, half that sum for those between eight and twelve years old, and a quarter of that sum for those between three and eight. The companies are in return pledged not to charge the immigrants more than the difference between the sum granted and the usual fare. The immigrants must be furnished with a certificate from the Brazilian Consul stating their name, age, and profession, as well as the relationship of those coming as one family. Immigrants must declare the nature of the occupation which they intend to pursue on arrival, and are warned that they can only claim from the Government transport to the point nearest their destination. Landowners desiring immigrant labour must give particulars of their requirements, including the nationality desired, to the General Inspection Office of Estates and Colonisation, together with a description of the advantages offered. This will be transmitted to the immigration office of the nationality desired, and published in the language of the country. A premium of 100,000 francs is offered to companies bringing at least 10,000 immigrants in a year. The only immigrants who can claim to be sent back to Europe at the expense of the Brazilian Government are widows and orphans who have become such within a year of their arrival in Brazil, and workmen thrown out of employment within a year of arrival by reason of some misfortune experienced in the service to which they were directed. These two classes of immigrants are also entitled to a sum of from about 6*l.* to 25*l.*, according to the size of the family.(1)

(*b.*) Into the Argentine Republic.

The means adopted by the Argentine Government to stimulate immigration are on the whole similar to those adopted by the Government of Brazil. It has a special Department of Immigration with a large hotel for the reception of immigrants at Buenos Ayres, and smaller hotels at provincial centres for the same object. It established offices for the diffusion of information, and the promotion of emigration in certain cities of Europe, and in New York, though the financial difficulties occasioned by the fall of the President Juarez Celman led to their suppression. These offices, of which the most important was in Paris, were established by a decree of 1886, and a further decree of 1887 authorised the granting of assisted passages, under the supervision of the Department of Immigration, and its Assistant Commissioners. Persons applying for assisted passages must be able to satisfy the requirements of the Immigration Law of 1876, by bringing with them certificates of health and character from the authorities of the country from which they come, attested by the Consul of the Argentine Republic. The system, however, worked very badly, and, after a three years' trial, it was suspended in May 1891. It was then found that the number of immigrants whose passages had been paid was 134,081, only 64,519 of whom, or less than one-half, were male immigrants over twelve years of age. Of these many were penniless, and others unfitted for any occupation or incapable of work suited to the climate, whilst it was ascertained that a regular trade had been carried on in these prepaid tickets by unscrupulous officials, especially in the ports of Northern Europe. According to a report drawn up in 1891 by Mr. Gastrell, British Vice Consul and Immigration Agent at Buenos Ayres, "a large proportion consisted of city loafers and "confirmed idlers who told any lies to obtain a free "passage to Buenos Ayres. None possessed the least "capital of their own; nearly all gave false statements "of their profession or calling; many signed false "names to requests for passages and affixed false sig-"natures to the bills for the advanced passage money, "signed in the outer roads to avoid payment when due. "Families were preferred to single men, so men and "women would get up fictitious and temporary rela-"tionships in order to obtain subsidised passages as a "family." Contracts with special steamship companies have also been made with a view to promoting immigration, the terms of the contract stating the number of immigrants to be brought within the year, and the amount to be paid by the Government for their passage. The Government also grants land to the extent of six square leagues to any one who will agree to import at least fifty families, and to assign a portion of the land to each at a fixed price payable within three years. The owner must pay the passage of these families as far as the confines of the Republic, whence they will be transported to the settlement at the expense of the Government. The result has, however, in many cases been an increase in land speculation and the acquisition of large areas which remain uncultivated. By these means the Argentine Republic has attempted to give an artificial stimulus to the immigration movement, which, in the opinion of Professor Godio, might safely have been left to take a natural course. This he regards as incidentally proved by the fact that in spite of the failure of many of the Government methods, the tide of immigration continues to flow, and a large number of the immigrants are induced to come by the representations of friends already settled in the country.(2)

(*c.*) Into Uruguay, Chili, and Peru.

Uruguay and Chili, together with Brazil, have from time to time had recourse to the method of recruiting immigration by offering a certain sum to a contractor for every immigrant brought into the country. For the most part, however, Uruguay relies upon the facilities afforded by her laws, as by those of the Argentine Republic, for acquiring land upon favourable terms. In the Argentine territory a lot of from 75 to 250 acres can be acquired by paying down 10 per cent. of the price, and the rest at 5 per cent. interest within a term of nine years. In Uruguay, the Commissioners of Immigration and Agriculture are empowered to measure out 'chacras' or lots, proportioned to the number of families which they desire to settle upon them. These lots are assigned at reduced prices to colonists, who have entered into a contract terminable at any time if the colonist does not perform what he has promised. The Government of Chili in 1890, was advertising its readiness to pay seven-eighths of the passage-money of any immigrant, and either to find him work on arrival, or to give him a tract of land. All such advances were to be repayable within two years, in half-yearly instalments without interest. Contracts were also made with certain transportation companies, with the result that a number of immigrants were deluded by the false representations made by the companies, and when they arrived found themselves thrown on their own resources in a strange country. The Government of Peru is said to have spent as much as 20,000*l.* a year in encouraging immigration, and offers 250,000 square metres of land to every able-bodied settler who will bring it into cultivation. At one time Chinese coolies were introduced, but owing to the barbarous manner in which they were treated the Chinese Government have prohibited emigration to Peru.(3)

(*d.*) Into Mexico.

According to the Mexican law of December 15, 1885, an emigrant going to Mexico may procure a certificate from the Mexican Consul, or from an immigration agent or colonisation society authorised by the President of Mexico to transport colonists to the State, stating that the emigrant desires to become a colonist under the Mexican law. Every such colonist receives 250 acres of unoccupied public land, which becomes definitely his after five years' residence if he has cultivated the tenth

(1) Rossi, "Del Patronato degl' Emigranti in Italia e all' Estero," 1893, pp. 67-70. Foreign Office Reports, Annual Series, No. 534, 1889, p. 42; No. 606, 1889, p. 3; No. 1,086, 1892, p. 17. Miscellaneous Series, No. 45, p. 5.

(2) Rossi, "Del Patronato degl' Emigranti in Italia e all' Estero," pp. 57-62. Godio, "L' America ne' suoi primi fattori la Colonizzazione e l' Emigrazione," 1893, pp. 267-327. Foreign Office Reports, Miscellaneous Series, No. 123, 1889; No. 216, 1892, p. 12.

(3) "European Emigration," Special Consular Reports, pp. 226-229. Rossi, "Del Patronato degl' Emigranti in Italia e all' Estero," 1893, pp. 77-80. Godio, "L' America ne' suoi primi fattori, la Colonizzazione e l' Emigrazione," 1893, p. 328. Foreign Office Reports, Miscellaneous Series, No. 158, 1890. Annual Series, No. 806, 1890.

part of it. Every two years the Government advertises the price at which it will sell the public land; this price varies according to the vicinity of such land to railroads or to towns, and according to the value of the agricultural and mineral products. Land which will not yield more than one harvest during the year, or which is only available for pasturage, falls into a second class, as well as that ill provided with means of communication. Colonists are exempt for ten years from military service and from every kind of tax, except municipal taxes, even from paying duty upon the instruments, machinery, and articles of primary utility which they bring with them. The Mexican Government has entered into contracts with private persons and associations which undertake to furnish suitable colonists.(1)

3. Treatment of immigrants on arrival.

All the South American Governments inviting immigrants profess to care for their welfare on arrival, but as a matter of fact, this care is exercised in different degrees. The Argentine Government takes the most trouble in the matter. It has provided two extensive buildings for the purpose, one at Buenos Ayres and another at Rosario di Santa Fé. The accommodation is good and the food given excellent; immigrants are kept there for five days free of cost and may afterwards remain at a charge of 2*s*. a day for every person over eight years of age and 1*s*. for those under eight. The Immigration Department's Employment Bureau undertakes to use its best endeavours to provide every immigrant with employment in such trade, art, or calling as he may prefer and this within five days of landing. Through lack of method, however, and indiscriminate admission of workmen of all kinds of trades, a large number of immigrants engage themselves to work at trades of which they are ignorant, and the attempts made by the Department of Immigration to satisfy the relative desires of employers and workmen prove a failure. The Brazilian Government has established similar buildings for the reception of immigrants, and provides them with food and lodging for eight days. Both the Brazilian and Argentine Governments convey them and their baggage free of cost to their destination, but here the similarity in the condition of the two classes of immigrants ceases, for whereas in the Argentine Republic they are likely to be well treated, in Brazil this is far from being certain. Brazilian immigrants, if not possessed of independent capital, may either be settled in colonies established by the Federal or Provincial Governments, or attached to individual proprietors. In the first case they will be exposed to the jealousy of the native inhabitants as well as to the risks attending on an unhealthy climate, and to the arduous toil involved in clearing a densely wooded tract of land devoid of any tolerable means of communication with the outer world. If engaged to work on private estates they are often looked upon as a substitute for the slave labour employed until recently, and a large number complain of the treatment they have received. There is, however, reason to think that these complaints have in part arisen from the unsuitable character of the immigrants, and are not to be received as an entirely truthful account of the attitude of the Brazilian planters. However this may be, the Emigrants' Information Office at Westminster, has repeatedly issued warnings against emigration to Brazil. In Uruguay there is a special Emigration Commission, and a shelter for immigrants under the protection of the Director of Immigration and Agriculture. Immigrants may remain there for eight days at the public expense, and, if agriculturists must be transported to their destination in the interior. Workmen of other classes, must, if possible, be given situations suitable to their special calling. Venezuela is said to have esablished immigrants' information offices similar to those of the Argentine Republic, but as the Venezuelan population has not increased for ten years the immigration would appear to be small. The Chilian Government is said, by the English Vice-Consul at Santiago, to have been emulating that of the Argentine Republic in encouraging immigration, without possessing the requisite facilities for giving effect to its designs. There is no adequate accommodation for immigrants on arrival, and no guarantee that work can be found for them, since the demand for foreign labour is small, and is for the most part supplied from private sources and not through the instrumentality of the Government. After a fortnight's detention in the police barracks on first arrival, the immigrants are turned out into the streets with or without work, and left to shift for themselves. In consequence many of them are thrown on the hands of the Consuls.(2)

(1) Rossi, "Del Patronato degl' Emigranti in Italia e all' Estero," 1893, pp. 81-83.

4. Nationality of immigrants.

By far the greater part of the immigration to South America is from Southern Italy. Brazil has 1,000,000 Italians out of a total white population of 4,000,000, and between 1857 and 1888 the Italian immigration constituted 65·25 per cent. of all the immigration into the Argentine Republic. The Spaniards furnished 14·61 per cent., and the southern provinces of France 9·27 per cent., so that the Latin races are responsible for nearly 90 per cent. of the total immigration. Mr. Gastrell, carrying on the figures to 1891, states that for the thirty-four years, 1857 to 1890 inclusive, the Italian immigration was 60 per cent. of the whole, the Spanish 18 per cent., the French 10½ per cent., the English 2⅓ per cent., the Austrian 1¾ per cent., the Swiss 1⅓ per cent., the German 1⅓ per cent., and the Belgian 1⅓ per cent. In Brazil at any rate the climate has proved exceedingly injurious to natives of Northern Europe, and the attempts made by German, Swiss, Russian, and English immigrants to establish themselves have proved for the most part unsuccessful. As early as 1820 a number of Swiss settlers landed in Brazil, but the mortality amongst them was excessive. In the province of Rio Grande del Sul there are a number of German colonies which are reported to be meeting with fair success, and which enjoy a large measure of self-government and retain their own language and customs. It is, however, stated that the physique of these colonists is degenerating. The Italians, on the other hand, both here and in the Argentine Republic, mix freely with the native population, and there is considerable intermarriage between the two races. A thousand Russian immigrants from the Volga attempted to form a settlement, but after three unsuccessful attempts to raise a crop they returned to Russia, and the Brazilian Government is said to have lost 600,000*l*. by the transaction. A diminution in the Spanish and Portuguese immigration into Brazil has become noticeable, and the Italian immigration remains by far the most important. The few Russian immigrants remaining are said to be prosperous. British immigration to Brazil has, in the words of a Foreign Office Report, proved "an appalling failure." Out of 1,000 British colonists settled at Assunguy in Parana, at the end of twenty years there were only 100; all the rest had died or been transported back to England and Ireland in the utmost misery and at the public expense. North of Rio Janeiro it is almost impossible for British colonists to live, especially if they attempt agricultural labour. In Rio de Janeiro itself between 1882 and 1886 the average annual mortality of children below seven years of age was 2,900, and this for the most part amongst the children of European residents, excluding the Portuguese and Italians. A number of immigrants to Brazil departed again to Uruguay and to the Argentine Republic in search of healthier conditions. Many of the English immigrants are, however, of an unsuitable class, including mechanics who are unable to find work in their trade and are unfitted for agriculture, as well as paupers and worthless persons who would be unlikely to succeed in any colony. In other cases immigrants have been deceived by unscrupulous emigration agents, and from all these causes a state of things has arisen which has led the Emigrants' Information Office at Westminster to state, as lately as January 1893, that "it is still, as it has for a long time past been, the "earnest endeavour of this Office to prevent British "artisans and labourers from being induced to go to "Brazil." A similar warning has just been issued by the Austrian Government. The Emigrants' Information Office is also of opinion that "the Argentine Republic, "though more prosperous than it was, is yet, under "present conditions, ill-suited to the ordinary type of "British emigrants." The Republic is, however, anxious to attract the natives of Northern Europe, and efforts have been made to obtain Belgian, Dutch, North German, Swedish, and British immigrants. Some attempt was made to import British Indian coolies, but the experiment proved a failure.

Some progress has been made in the formation of Jewish colonies in the Argentine Republic, though it has been much opposed by the Argentines, who fear that the Jews will obtain the complete control of the

(2) Foreign Office Reports, Annual Series, No. 504, 1889, pp. 39-45; No. 1074, 1892, p. 6; No. 1077, 1892, pp. 21-23. Miscellaneous Series, No. 158, of 1890. Rossi, "Del Patronato degl' Emigranti in Italia e all' Estero," 1893, pp. 57-83. Godio, "L' America ne' suoi primi fattori, la Colonizzazione e l' Emigrazione," 1893, pp. 320-323, 333.

country. The Jewish Emigration Society, founded by Baron Hirsch with a capital of 2,000,000*l.*, has already three colonies with a total population of 21,000 inhabitants. The most important of the colonies, Mauricio, has 10,000 inhabitants, with 40,000 acres of land; the second, called Moïsesville, has 6,000 inhabitants and 30,000 acres of land. Besides these colonies the society has bought 150,000 acres of land and built houses for 50,000 new colonists. Up to the present time, however, the organisation of these colonies does not appear to be completely successful. The National Government is said to be adopting stringent measures to prevent the embarkation or landing of those Jews who cannot prove a trade, or are sickly; but some such persons have already been returned to Europe by the authorities in charge of the settlements.

A large proportion of the European immigration into Chili is Spanish, and the majority of these Spanish immigrants are unable to read or write. Italians have emigrated to Peru, but complain of the treatment they received there, and of the necessity under which they found themselves of entering into conflicts with the Indians.(1)

2. Statistics of immigration.

The latest Brazilian statistics show that in 1890 the number of immigrants entering through the ports of Rio de Janeiro, Santos, and Rio Grande was 107,100, of whom 24,689 came at their own expense, and 64,494 at the expense of the Government. As regards nationality, 31,275 were Italians, 27,125 Poles and Russians, 25,177 Portuguese, 12,008 Spaniards, 4,812 Germans, 2,844 French, 2,246 Austrians, 354 Swedes, 308 Belgians, 254 Swiss, and 697 of diverse nationalities. In 1891, the total number arriving showed a great increase, and amounted to 216,659. The State of São Paulo received 86,754 of these, 83,237 of whom came at the expense of the Federal Government and 563 at that of the State of São Paulo. There remained, therefore, only 2,954 who came at their own expense. Out of the whole number of immigrants to Brazil in 1891, the male immigrants numbered 134,248 and the female immigrants 56,903; 164,194 were agriculturists, 20,039 artisans, and 6,918 persons of other classes. The total number, according to these figures, published by Signor Tancredo Oscar de Azevedo, director of the Official Immigration Agency, would be 191,151 as against 216,659, the number given by the Statistical Office of the journal "Le Brésil."

The number of immigrants entering the Argentine Republic, between 1857 and 1888, was 1,374,797, of whom 643,086 were Italians, 144,654 Spaniards, 91,759 French, 22,952 English, 18,072 Swiss, 16,768 Austrians, 15,271 Germans, 7,645 Belgians, and 26,985 of various nationalities. A Buenos Ayres journal, "La Prensa," gives the statistics of immigration and emigration for 1891, and computes the number of immigrants at 52,097 and that of emigrants at 81,932. The excess of emigration over immigration would in that case be 29,835, but it must be borne in mind that the immigration statistics do not include immigrants arriving by land. Mr. Gastrell's report shows that the immigration from Europe has been very large. In 1889 it reached its maximum, the number arriving in that year being 260,909. In 1890, however, it fell to 110,594, and in 1891, according to "La Prensa," to 52,097, owing to the financial crisis. Professor Godio, however, gives the number for 1891 as 70,000, and that for 1892 as 89,879. The Italians were 70 per cent. of the total number, the Spaniards and French 10 per cent. each, the Swiss and Germans 4 per cent., the English 2 per cent., and the natives of other countries 4 per cent. The number of emigrants who left the country to return to Europe in 1891 exceeded the number arriving, and amounted to 95,000. In 1892, however, the emigrants returning were only 53,948, or 35,931 less than the immigrants arriving. The Italian immigration into Uruguay in 1886 was 5,516; by 1889 it had risen to 15,047, but in 1890 it fell to 12,873, and in 1891 to 4,559. This great diminution is attributed to the financial crisis. Immigration into Paraguay was 1,419 in 1891, and the figures for earlier years show a record of 1,491 immigrants in 1889, 1,063 in 1888, 564 in 1887, and 101 in 1886.

(1) Rossi, "Del Patronato degl' Emigranti in Italia e all' Estero," 1893, p. 65. Foreign Office Reports, Annual Series, No. 504, 1889, pp. 41-44; No. 32, 1886, pp. 9, 10; No. 1018, 1892. p. 9; No. 1077, 1892, pp. 21-23; No. 1161, 1893, p. 11; Miscellaneous Series, No. 216, 1892. Rossi, "Del Patronato degl' Emigranti in Italia e all' Estero," 1893, pp. 57-80. "European Emigration," American Consular Reports, pp. 226-230. Report of Emigrants' Information Office, Westminster, February 1893, "Times," March 30th, 1893.

The official statistics of Mexico make no distinction between immigrants and ordinary passengers, but the number of passengers arriving have risen from 15,828 in 1884 to 30,892 in 1889, and 32,380 in 1890. (2)

The following table gives the statistics of the purely Italian emigration to America, contained in Signor Bodio's Official Reports for 1888, 1889, 1890, and 1891. (3)

Destination.	1887.	1888.	1889.	1890.	1891.
Mexico, Colombia, Venezuela, and other parts of Central America	1,245	640	1,037	926	2,030
Brazil	31,445	97,730	16,953	16,233	108,414
Chili and Peru	313	359	375	3,334	896
Argentine Republic	54,499	65,958	75,058	41,352	27,542
United States and Canada	38,853	34,292	25,881	48,019	44,722
America (undefined)	3,108	5,285	3,877	3,163	3,062
Total	129,463	204,264	123,181	113,027	186,472

RETURNING EMIGRANTS. (4)

Year.	Total.	Argentine	Brazil.	United States.	Peru.	Other Countries.
1887	18,039	15,517	317	3,000	129	76
1888	27,295	19,998	1,136	6,086	75	—
1889	35,103	26,173	3,663	4,734	101	427
1890	55,523	51,001	1,619	2,859	—	44
1891	75,137	62,248	2,632	10,257	—	—

D.—EXPERIENCE OF THE SELF-GOVERNING COLONIES.

1. General view with regard to immigration.

It is difficult, in the case of the colonies, to draw any definite line of demarcation between the period of colonisation and the period of immigration. Indeed it is only perhaps certain parts of the eastern provinces of Canada, and the districts surrounding Melbourne, Sydney, and Adelaide in Australia, which can be held to have left the first stage entirely behind. Colonists or immigrants are certainly still needed in a large part of the Dominion of Canada, in the greater part of Australia, and in South Africa, but certain classes of immigrants are viewed by the colonists of all these countries with disfavour. Throughout Australasia and British North America there is a strong opposition to the immigration of the Chinese. The introduction of Indian coolie labour into South Africa, and of Pacific Island labour into the tropical districts of Australia, has been the source of grave discontent to the white labour already employed. European immigration, which at one time was encouraged by the Colonial Governments, is now almost entirely left to private initiative, and where immigrants are assisted either by philanthropic societies or by boards of guardians, they are far from welcome, whether in America or in Australasia. Indeed there is a general consensus of opinion that such assisted emigration is a doubtful advantage, at any rate to the countries receiving the emigrants. The colonies of Scotch crofters established by the English Government in Manitoba have not been conspicuously successful; the Wolseley and Tennyson Settlements of Mr. Arnold White, in South Africa, have experienced similar difficulties. The commercial depression which has prevailed in Australia and New

(2) Rossi, "Del Patronato degl' Emigranti in Italia e all' Estero," 1893, pp. 57-83. Godio, "L' America ne' suoi primi fattori, la Colonizzazione e l' Emigrazione," 1893, pp. 323, 324. Foreign Office Reports, Annual Series, No. 504, 1889, pp. 41-43; No. 1006, 1892, p. 17. Miscellaneous Series, 123, 1889, pp. 3-5.

(3) Bodio, "Statistica dell' Emigrazione Italiana avvenuta nell' anno 1890," p. xvii; Bodio, "Statistica dell' Emigrazione Italiana avvenuta nell' anno 1891," p. xvii.

(4) Bodio, "Statistica dell' Emigrazione Italiana avvenuta nell' anno 1890," p. xx. Bodio, "Statistica dell' Emigrazione Italiana avvenuta nell' anno 1891," p. xx. The figures here given are those of third class passengers, for, as Signor Bodio points out, first and second class passengers are for the most part simply travellers.

Zealand since 1890, has intensified the feeling that each colony should provide for its own unemployed, and has led all the colonies to regard any addition to the number of persons likely to become a public charge with marked disfavour. In short, there is every sign that, to the colonies as a whole, the question of immigration is likely to prove a greater difficulty than since the passage of the contract labour laws it has proved to the United States.(1)

2. Anti-Chinese feeling. (a.) Statistics of Chinese population.

The movement towards the restriction of immigration began in the colonies, as in the United States, with an anti-Chinese agitation. In 1853 the stream of Chinese immigration began to pour into Victoria. In the following year the number of Chinese in the colony was 2,000, and by 1859 it was 42,000, the majority of whom were to be found in the gold-fields. Owing to an exodus to New South Wales, the Chinese population of Victoria was found, in 1861, to have been reduced to 24,732, whilst that of New South Wales was 12,988. A number of Chinese labourers must also have returned to their native country, since of the 43,000 to be found in Australasia in 1859, there were in 1861 only 38,300. In 1871 the number had fallen in Victoria to 17,935, and in Australasia to 31,100. The census of 1881, however, showed an increase throughout Australasia to 43,706, but a decrease in Victoria to 12,128. At the beginning of 1890 it was estimated that these numbers were still correct. The Chinese population of New South Wales, found in 1861 to be 12,988, decreased steadily till 1877 to about one-half of the former number; from that year onwards, however, it increased rapidly until, in 1881, 4,465 Chinese arrived in the colony as against 929 who departed. The legislation of 1881 only checked the increase for a time, and in 1887 the arrivals numbered 4,436 and the departures only 2,773. Since the passing of the Act of 1888 (*see* below) the Chinese immigration has practically ceased. The discovery of a gold-field in Queensland led to an influx of Chinese, and to an attempt by the Legislature to restrict that immigration in 1876. No legislation on the subject was effective until the Act of 1884; but since that year the number of Chinese arriving in Queensland by sea has been in each year less than that of those departing. There is, however, no means of ascertaining definitely the numbers arriving from New South Wales or from the northern territory of South Australia. There is no statement as to the presence of Chinese in South Australia, except in the northern territory. According to the Census Report of 1891 for Western Australia the number of Chinese inhabitants was 917, including five women. The majority were engaged as cooks and market gardeners, or as domestic servants. No statistics are available for New Zealand and Tasmania, but the Premier of New Zealand, in a memorandum forwarded to the Colonial Office in 1888, stated that since the passing of the Act of 1881 the number of Chinese in the colony has remained practically stationary. The Chinese in British Columbia are numerous in proportion to its comparatively small population, and there is a strong feeling against them amongst the colonists which has found expression in a number of Acts. They were largely employed in the construction of the Canadian Pacific railroad, and are to be found in Eastern Canada engaged in gardening, laundry work, and cooking.(2)

(b.) Anti-Chinese legislation.

Before the great outburst of anti-Chinese feeling throughout Australia, in 1888, which was stimulated by the report of the treaty at that time under negotiation between China and the United States, legislation on the subject included Acts in Victoria, New South Wales, Queensland, South Australia, Western Australia, New Zealand and Tasmania. The Victorian legislation consisted of the Chinese Immigration Statute of 1865, the Chinese Act of 1881, and certain sections of the Factories and Shops Amendment Act of 1887. The main points of these, as of other Australasian Acts for the restriction of Chinese immigration, are the limitation of the number of Chinese passengers who may be brought to a certain proportion of the tonnage of a vessel, the imposition of a poll-tax of 10*l.*, and the refusal to allow Chinamen to vote at parliamentary, municipal or mining board elections unless they are naturalised or natural-born subjects of Her Majesty. A New South Wales Act of 1867 prohibits the issue of letters of naturalisation to a native of China, and imposes the same poll-tax and tonnage limitation. A further Act of 1881 strengthened the existing law and added a provision obliging every Chinaman who desired to be absent from the colony for a time to obtain a certificate. South Australia passed an Act in 1857, which was repealed in 1861, imposing a poll-tax and a tonnage limitation. Both were, however, repeated in an Act of 1881, which was expressly limited in application to the southern territory. Similar provisions were embodied in a Queensland Act of 1877, and by an Amendment Act of 1884 the poll-tax was raised from 10*l.* to 30*l.* There was no legislation on this subject in Tasmania until 1887, when an Act was passed, similar to those of 1881, for Victoria, New South Wales, and South Australia. In New Zealand an Act was passed in 1881 containing substantially the same provisions. Western Australia is distinguished from the other Australasian colonies by having recognised the presence of Chinese labour to the extent of passing an Imported Labour Registry Act in 1882, which was amended in 1884. These Acts refer to the proper control of labourers arriving under contract from India, China, Africa, and the islands of the Indian and Pacific Oceans and Malay Archipelago. The provisions of the Acts have chiefly been called into play in the introduction of boatmen and divers, employed in the pearl-shell fisheries of the north and north-west coast. The number of Africans engaged must be small since the census of 1891 gives twenty-seven only. In 1886 the colony passed a Chinese Restriction Act similar to those of the other colonies.(3)

In 1888 the anti-Chinese agitation culminated in the refusal of the New South Wales Government to allow the Chinese passengers of the steamship "Afghan" to land in the colony. (*See* Report, pp. 47, 48.) A conference of representatives of all the Australasian colonies was held in Sydney, and it was agreed that the Colonial Legislatures should proceed to pass Acts of restriction, if not of exclusion, on the lines of the law adopted by the United States. Such Acts were passed between 1888 and 1890 in all the colonies with the exception of Tasmania. The New South Wales Act of 1888 is a specially drastic measure; it prohibits the naturalisation of any Chinese immigrant, imposes a poll-tax of 100*l.*, and forbids the Chinese to engage in mining without a special permission from the Minister of Mines. The Acts of 1888 in Victoria, South Australia, and New Zealand, with those of 1889 in Western Australia and 1890 in Victoria and Queensland, merely diminish the proportion of Chinese passengers relatively to the tonnage of the vessel, and increase the penalties for any attempt to evade these regulations. The text of the Queensland Act is given below, and may be taken as representative of the others. None of these Acts impose any poll-tax upon Chinese immigrants.(4)

The British Columbian legislation began with the Chinese Tax Act of 1878, which requires every Chinese person over twelve years of age to take out a license every three months, for which he must pay $10 in advance. If any person neglects or refuses or is unable to take out such a license he is liable to perform labour on the public roads, until by his labour, which is reckoned at 50 cents a day, he has worked off the $10 as well as an additional sum due for cost of food, 5 per cent. of the wages of an overseer, and 5 per cent. on the $10 for wear and tear of tools. By an Act of 1884 no Chinese person may acquire Crown lands, and an Act to prevent the immigration of the Chinese passed in the same year and amended in 1885 prohibited the landing of any Chinese immigrant under a penalty of $50. Chinese residents are exempted if they apply for a certificate and deposit a photograph of themselves with the officer appointed. A further Chinese Regulation Act of 1884 contained a preamble against which the Chinese Government protested. This preamble stated that "the incoming of Chinese "to British Columbia largely exceeds that of any "other class of immigrant, and the population so "introduced are fast becoming superior in number to "our own race; are not disposed to be governed by "our laws; are dissimilar in habits and occupation "from our people; evade the payment of taxes justly "due to the Government; are governed by pestilential

(1) Dilke, "Problems of Greater Britain," 1890, pp. 528-539. Correspondence relating to Chinese Immigration into the Australasian Colonies, 1888, pp. 1-58. Report of Parliamentary Committee on Colonisation, 1889, pp. 49, 52, 94.

(2) Victorian Year Book, 1890-1, Vol. I., pp. 242-245. Imperial Institute Year Book, 1891-2, pp. 569, 594. Dilke, "Problems of Greater Britain," pp. 528-535.

(3) Correspondence relating to Chinese Immigration into the Australasian Colonies, 1888. Letter from Agent-General for Western Australia, Text of Chinese Immigration Acts, pp.

(4) Text of Chinese Immigration Acts,

" habits; are useless in instances of emergency; " habitually desecrate graveyards by the removal of " bodies therefrom; and generally the laws governing " whites are found to be inapplicable to Chinese, and " such Chinese are inclined to habits subversive of " the comfort and well-being of the community." The Act which followed raised the age at which a poll-tax could be first levied from twelve to fourteen and fixed the tax at $10 a year. It prohibited the use of opium except for medicinal purposes. The Supreme Court of British Columbia in the case of Bull *v.* Wing Chong declared the Legislative Assembly to have exceeded their powers in passing this Act. In 1885 the first Dominion Act was passed. It provided that all Chinese immigrants should pay an entrance fee of $50 on entering Canadian territory, that only one passenger might be brought for every 50 tons of the tonnage of a vessel, and that no passenger might land without a permit and a certificate that he has paid the duty. Penalties are imposed on persons who assist in the formation of " any sort of court or tribunal composed " of Chinese persons for the hearing or determination " of any offence committed by a Chinese person." Some slight modifications of this Act were made in an Amendment Act of 1887.(1)

3. Objections to other classes of immigration.

The importation of Pacific Island labour under contract to work in the tropical districts of Northern Queensland has roused violent opposition, notwithstanding the fact that white labour is incapable of enduring the conditions under which sugar cultivation must be carried on. In 1891 the Emigrants' Information Office reported that the experiment was being tried of introducing Italian labour to work in the plantations. (*See* Report, p. 44.) The employment of Asiatic labour in the engine rooms of the Australian Steam Navigation Company's steamers when trading in tropical climates met with similar opposition. In South Africa there has been an agitation against the introduction of Indian coolies. Numbers of them are, however, employed in every kind of labour, and others, who have become shopkeepers and hawkers, return to India with considerable savings. The Indian coolie labour in Natal is reported to be satisfactory by the officers entrusted with its supervision. The term of engagement is five years, and the immigrants are obliged at the end of their term to return to India. Over 40,000 of these labourers have been imported by the Natal Government, and the cost of their labour is said to compare favourably with that of Natal native labour. After five years of service they become free men, but are obliged to remain in the colony for another five years, when they can claim to be sent back to India free. Farm labour in South Africa is performed almost entirely by natives, and there is little demand for European immigrant labour. Natives from Damaraland and from Delagoa Bay and its neighbourhood have been imported both into Natal and into Cape Colony. Some of the Acts regulating their employment in Natal are printed on p. as typical of such legislation in colonies employing native labour.(2)

The movement in favour of restricting European [redacted]migration into the colonies has, for the most part, [redacted]f to the various classes of assisted immi[redacted]arly as 1852, Victoria offered a vigorous [redacted] the practice of shipping convicts to [redacted], and passed a " Convicts' Prevention Act," to which the Queen's assent was at first refused, but which ultimately became law. Imbecile passengers are prevented from landing in New Zealand and Tasmania by special Acts, whilst Victoria has a clause in a general statute of 1865, to the same effect. By the New Zealand Act, the owners of ships bringing persons likely to become a charge upon the public, or upon any public or charitable institution, " must execute bonds in the sum " of 100*l.* for each such passenger, under which they " must repay all expenses incurred for his support or " maintenance by any public or charitable institution of " New Zealand, within five years of his landing." The Tasmanian Act contains similar provisions. In Canada, the Immigration Act of 1886 gives the Governor-General power to prevent, by proclamation, the landing of destitute immigrants. The policy of direct State aid to immigrants has been discontinued in Canada since 1888, and no longer exists in the Australasian colonies, with the exception of Queensland and Western Australia. In Canada, however, bonuses are given to settlers who take up land in Manitoba, the North West Territories, and British Columbia, within eighteen months of their arrival in the country, at the rate of $10 for the head of the family; $5 for the wife and each adult member of the family over twelve years of age, with a further sum of $5 for any adult member of the family over eighteen years of age, taking up land within the specified period. The Canadian Government also send a travelling commission provided with specimens of all the principal products of the Dominion, through the rural districts of England and Scotland, to attract a good class of immigrants. Canadian statistics show that the number of immigrants in 1883 was 133,624, but it has since declined, and in 1890 was only 75,067; between 1229 and 1891 the total number was 1,762,234. There is, however, no evidence of the proportion amongst these immigrants, who were merely passing through the country, nor is it easy to estimate the annual emigration of French Canadians to the States. (Cf. p. 194.) It may, however, be noted that the United States census of 1885 showed a Canadian population of nearly a million. For some time there has been a strong current of immigration from France, more especially since the financial crises in South America. This movement has been largely promoted and directed by the Clerical Party in France, who regard Canada as a promising field for settling immigrants in the midst of a people of their own nationality and religion. Thus in 1891 more than 100 peasants were sent to Manitoba from the Department of Loire Inférieure in the course of a few days, whilst a Benedictine monk from the Abbey of St. Cloud started with 150 agriculturists from the Jura to found in the same colony the settlement of Notre Dame de Lourdes. The Canadian Agent-General in Paris calculated the French emigration to Canada in 1891 as over two thousand. According to the report of the Minister of Agriculture, the total number of immigrants landing in Quebec in 1891 was given as 23,435, or 3,229 more than in the preceding year. Of these, 11,782 were English, 903 Irish, 1,981 Scotch, 951 Germans, 1,188 Russian Jews, and the rest Mennonites, Austrians, Bavarians, Italians, Icelanders, and other nationalities. A Mormon colony has also been established at Cardstone, in the Canadian North-West. The colony is to a certain extent co-operative in character, and is stated in a Government report of 1893 to be doing well.(3)

4. Assisted emigration.

Though State-aided immigration is at an end, with the exception of the colonies of Scotch Crofters established in the central districts, there is still a large amount of private aid given to immigrants by charitable societies and poor law guardians in England of which the Canadians complain. They desire to have legislation on American lines both to prevent the landing of penniless immigrants and of those brought under a labour contract. Government aid to immigration was discontinued in Victoria in 1882, in South Australia in 1885, in New South Wales and New Zealand somewhat later. The New South Wales statistics show an excess of arrivals over departures for the ten years ending with 1890 of 165,096. In Victoria no record is kept of *arrivals and departures* by land; but the excess of arrivals over departures by sea for the same period was 178,717. In South Australia on the contrary, as far as can be ascertained, the number of persons leaving the country has for five years exceeded the arrivals. In 1890 this excess was 1,014, and the emigration was chiefly in the direction of Victoria and New South Wales. In Queensland free passages are still given to unmarried female domestic servants, and to unmarried agricultural labourers between the ages of seventeen and thirty-five, whilst assisted passages are given to unmarried labourers, miners, navvies, and to unmarried nurses and sempstresses. Persons who have resided in the colony six months may also nominate for free passages friends or relatives of the classes already eligible for assisted passages upon paying from 2*l.* to 10*l.* down in the colony according to the age and sex of the intending emigrant. In the like manner employers of labour on the payment of a sum varying from 1*l.* to 2*l.* can obtain free passages for labourers engaged in Europe subject to the approval of the Agent-General. Immigrants on arrival are conducted to the immigration depôts of Brisbane, Mary-

(1) Correspondence concerning Chinese Immigration into the Australasian Colonies, 1888.

(2) Dilke, "Problems of Greater Britain," 1890, pp. 533-536. *Report of* Emigrants' Information Office, May 1889, p. 12. Reports of Select Committee on the Labour Question, Cape of Good Hope, 1890, pp. vi, vii; 1892, pp. vi, 12, 13.

(3) Dilke, "Problems of Greater Britain," pp. 531, 532, 536-539. *Reports of Emigrants' Information Office*, February 1892, p. 4; February 1893, p. 5. Report of Parliamentary Committee on Colonisation, 1889, pp. 163-183. Rossi, "Del Patronato degli Emigranti in Italia e all' Estero," 1893, ; p. 50-56. "Standard," March 30th, 1893.

borough or Bundaberg. These depôts are boarded off into four divisions: one for married men, one for married women and children, one for single men, and one for single women. Until they find work the immigrants receive food and lodging free. This system of nomination for free passages is also practised in Western Australia; and farmers, millers, and others possessing a certain amount of capital receive assistance towards their passage at the rate of 10*l.* for each adult, and 5*l.* for a child. There is no Government aid to immigrants in Tasmania, and the excess of immigration over emigration there was estimated at 16,331 persons for the ten years ending 1890. In New Zealand Government aid was, till quite recently, given to persons nominated by friends in the colony, and since 1870 the number of persons thus brought into the colony has been 115,534. In 1890 the departures exceeded the arrivals by 1,782, and in 1892 by 3,198. It has been stated that there has lately been a tendency on the part of the unemployed in Sydney and Melbourne to emigrate to New Zealand, and that the latter colony in view of the number of its own unemployed has been considering the question of protective legislation. The Natal Government was reported in 1889 to be offering assistance to small capitalists in connexion with special settlements. The latest report of the Emigrants' Information Office, February 1893, states, however, that "the practice of "subsidising European immigration from State funds "has in the main been abandoned. Western Australia ". . . still offers assistance within narrow limits, and "the Queensland Government, though they have "reduced to a minimum their subsidies to European "immigration, have again permitted, in the interest "of the sugar industry, the importation of Kanaka "labourers."(1)

5. Colonisation schemes.

Assisted emigration and colonisation have been attempted in various forms in all the colonies. Schemes for the formation of settlements in Canada by emigrating the crofters and cotters of Scotland have met with some measure of success. In 1883 and 1884, Lady Gordon Cathcart sent out fifty-six families to the North West with 100*l.* for each family, to which was added a further advance of 10*l.* At the end of 1886 the average value of their stock, improvements, and machinery irrespective of the land amounted to 152*l.* 10*s.* According to the Government scheme of 1888 (*see* report, p.) the amount advanced was 120*l.*, but this sum it was found necessary to supplement, and the total expenditure for each family was somewhat over 150*l.* Overtures were made to the New Zealand Government to provide for the Scotch crofters in New Zealand, but after some negotiation on the subject the idea was abandoned. Sir Robert Herbert, in his evidence before the Colonisation Committee in 1889, spoke favourably of Newfoundland as a field for colonisation, but the latest scheme propounded has been one for the settlement of crofters upon the shores of the Pacific in British Columbia. According to this scheme the Provincial Government asked the Imperial Government for a loan of 150,000*l.* on the security of the land to be given to the crofters and the improvements that they would effect, and the British Columbian Legislature passed a Colonisation Act in the session of 1892 to meet the con-

[redacted] Imperial loan. The colonia[redacted] whole [redacted] ditions of the [redacted] however, are not favourable either to schemes of State colonisation or to schemes of State-aided emigration. The Parliamentary Colonisation Committee as a result of its deliberations propounded a scheme by which the Colonial Governments were asked to give land free, or on the most favourable terms for settlement, with power to create a rent-charge where necessary. The replies received from the various Governments were on the whole unfavourable. In Cape Colony "the balance of "Crown lands fit for useful occupation" was said to be "barely sufficient to provide for the natural increase "of population in the colony." The Natal Government would be prepared to consider the scheme with certain modifications, but though they at first proposed to place 10,000*l.* in the Draft Estimates for the purchase of suitable land, they finally decided merely to spend 5,000*l.* on assisted passages. The New Zealand Government regard the "existing systems of homestead settle- "ments, perpetual leases, and special settlements as "likely to meet the views of the Colonisation Com- "mittee," and are unable to entertain the suggestion that the board should be given any right of pre-emption.

The replies received from the Governments of Victoria, New South Wales, Queensland, South Australia, and Tasmania were distinctly unfavourable, that from Canada was guarded, and the only expressions of distinct approval and of readiness to place land at the committee's disposal were from Newfoundland and Western Australia. Nor do the colonies regard with any great favour provisions for aid to emigrants by county councils or boards of guardians. In Canada the feeling against assistance out of the rates such as was given to the emigrants from the West of Ireland is especially strong, and though their greater distance has given the Australasian colonies less reason to complain, it was emphatically stated by Sir Robert Herbert to the Colonisation Committee, that they refused to receive persons emigrated out of the rates, and that the colonists generally entertained "the very strongest objection to "such persons," and that "their feeling with regard "to paupers is nearly as keen as with reference to the "introduction of convicts."(2)

6. The trades unions and immigration.

There is further a strong feeling amongst Australian trades unions against the immigration of mechanics, whose advent they regard as likely to lower the Australian rate of wages. In the case, however, of unions with both English and colonial branches a certain amount of migration takes place in both directions according to the state of the English and colonial labour markets. Indeed, these unions owe the existence of the colonial branches in some cases to assisted emigration. According to the evidence of Mr. John Burnett before the Colonisation Committee, "in 1852, "after a disastrous lock-out in which the Amalgamated Engineers were involved, a considerable num- "ber of its members were not allowed to return to "work. Mr. Vansittart Neale advanced 1,000*l.* for "the purpose of sending these men to Australia. "Others went to America, and in both continents "branches of the parent society were established . . ". . . After this experience a rule was made under "which, in certain conditions of the home and foreign "labour markets, an emigration benefit of 6*l.* might be "paid to members selected from various districts. "This would only be allowed when the total funds of "the society were in excess of 3*l.* per member, when "there were 7½ per cent. of its members unemployed, "and when there were not 7½ per cent. of unemployed "in the country to which the men were to be sent." This rule never became operative, because there was no period of depression in the engineering trade until 1879, and by that time the facilities for voluntary emigration rendered any assistance superfluous in the opinion of the society. Further, there would no longer be any guarantee that the member paid to emigrate by his society might not be at home again before any very long period had expired. As a matter of fact skilled workmen of the class of the Amalgamated Engineers do pass easily between America and Europe as the demand for labour rises and falls. The society restricts emigration when trade is bad in the colonies by refusing to issue cards for the colonial branch, or to give members any facility for the change. A certain number of other trade unions in England give em[redacted] gration benef[redacted] [redacted]s, in some instances only [redacted] [redacted]nised" men, or members who find it di[redacted] employment owing to the prominent part [redacted] have taken in trade disputes. The Kent and [redacted] Labourers' Union and the National Agricultural Labourers' Union have sent out a number of agricultural labourers, chiefly to the Australasian colonies. It is this class of immigrant, which, according to the Emigrants' Information Office, will be found most acceptable in the colonies. Farm hands or persons possessed of small capital form the best class of emigrants, but even these will not be altogether acceptable, unless some provision is made which will ensure their immediate departure to the rural districts as soon as they arrive at the port of disembarkation.(3)

E.—Experience of India and the Crown Colonies.

1. Number of coolies emigrating to the colonies.

The emigration of coolies from India under contract to labour for hire in any country to which the coolies go by sea, other than Ceylon and the Straits Settle-

(1) Reports of the Emigrants' Information Office, May 1889, p. 7; February 1893, p. 5. Imperial Institute Year Book, 1891-2, pp. 560, 594, 621, 654, 668, 686, 713. Report of the Parliamentary Committee on the Emigration and Immigration of Foreigners, 1888, Appendix No. 12, pp. 282-286.

(2) Report of the Parliamentary Committee on Colonisation, 1889, pp. 48-69, 163-183. Correspondence from Colonial Governments, 1889. Lord Monkwell, "State Colonisation," Fortnightly Review, March 1888.

(3) Report of the Parliamentary Committee on Colonisation, 1889, pp. 91-104. Report of Emigrants' Information Office, May 1888, pp. 8, 9.

Sect. 2. It shall be the duty of any person or persons employing labour or other services, to be paid for, in whole or in part, directly or indirectly, out of any funds raised by taxation to file with the treasurer or disbursing officer of such funds a certificate showing to the best of his knowledge and belief that the persons so employed . . . are citizens of the United States, or have in good faith declared their intentions to become such citizens, or are of such age or sex that they cannot declare their intentions to become citizens, or cannot be formally declared to be citizens by an order of a court of record.

Sect. 5. Whenever any employer, contractor or subcontractor, by written or oral information, or from any source has reason to believe that he has in his employ persons other than native or naturalised citizens, or those who have in good faith declared their intentions to become citizens, whose pay is to be drawn in whole or in part, directly or indirectly from such public funds, he shall at once investigate the matter, and if he shall find said information to have been correct, he shall discharge such employé or employés, and a failure to do so shall render him liable to the municipality . . . for any of such funds paid to such alien . . .

Sect. 6. In all cases where an alien after filing his declaration of intention to become a citizen of the United States, shall, for the space of three months after he could lawfully do so, fail to take out his final papers and complete his citizenship, such failure shall be *primâ facie* evidence that his declaration of intentions was not made in good faith.

II.—*Acts regulating Chinese Immigration into the United States.*

(a.) *Federal.*

1. Act of 1882.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the expiration of ninety days next after the passage of this Act, and until the expiration of ten years next after the passage of this Act, the coming of Chinese labourers to the United States be, and the same is hereby, suspended; and during such suspension it shall not be lawful for any Chinese labourer to come, or, having so come, after the expiration of said ninety days, to remain within the United States.

Sect. 2. That the master of any vessel who shall knowingly bring within the United States on such vessel, and land, or permit to be landed, any Chinese labourer, from any foreign port orplace, shall be deemed guilty of misdemeanor, and on conviction thereof, shall be punished by a fine of not more than five hundred dollars for each and every such Chinese labourer so brought, and may be also imprisoned for a term not exceeding one year.

Sect. 3. That the two foregoing sections shall not apply to Chinese labourers who were in the United States on the seventeenth day of November, eighteen hundred and eighty, or who shall have come into the same before the expiration of ninety days next after the passage of this Act, and who shall produce to such master before going on board such vessel, and shall produce to the collector of the port in the United States at which such vessel shall arrive, the evidence herein-after in this Act, required of his being one of the labourers in this section mentioned; nor shall the two foregoing sections apply to the case of any master whose vessel being bound to a port not within the United States, shall come within the jurisdiction of the United States, by reason of being in distress, or in stress of weather, or touching at any port of the United States on its voyage to any foreign port or place: Provided, that all Chinese labourers brought on such vessel shall depart with the vessel on leaving port.

Sect. 4. That for the purpose of properly identifying Chinese labourers who were in the United States on the seventeenth day of November, eighteen hundred and eighty, or who shall have come into the same before the expiration of ninety days next after the passage of this Act, and in order to furnish them with the proper evidence of their right to go from and come to the United States of their free will and accord, as provided by the treaty between the United States and China, dated November seventeenth, eighteen hundred and eighty, the collector of customs of the district from which any such Chinese labourer shall depart from the United States, shall in person or by deputy, go on board each vessel having on board any such Chinese labourer, and cleared, or about to sail from his district for a foreign port, and on such vessel make list of all such Chinese labourers, which shall be entered in registry books to be kept for that purpose, in which shall be stated the name, age, occupation, last place of residence, physical marks or peculiarities, and all facts necessary for the identification of each of such Chinese labourers, which books shall be safely kept in the custom-house; and every such Chinese labourer so departing from the United States, shall be entitled to, and shall receive free of any charge or cost upon application therefor, from the collector or his deputy at the time such list is taken a certificate, signed by the collector or his deputy, and attested by his seal of office, in such form as the Secretary of the Treasury shall prescribe, which certificate shall contain a statement, name, age, occupation, last place of residence, personal description, and facts of identification of the Chinese labourer to whom the certificate is issued, corresponding with the said list and registry in all particulars. In case any Chinese labourer after having received such certificate, shall leave such vessel before her departure, he shall deliver his certificate to the master of the vessel, and if such Chinese labourer shall fail to return to such vessel before her departure from port, the certificate shall be delivered by the master to the collector of customs for cancellation. The certificate herein provided for shall entitle the Chinese labourer to whom the same is issued, to return to, and re-enter the United States upon producing and delivering the same to the collector of customs of the district at which such Chinese labourer shall seek to re-enter; and upon delivery of such certificate by such Chinese labourer to the collector of customs at the time of re-entry in the United States, said collector shall cause the same to be filed in the custom-house and duly cancelled.

Sect. 5. That any Chinese labourer mentioned in section four of this Act, being in the United States, and desiring to depart from the United States by land, shall have the right to demand and receive, free of charge or cost, a certificate of identification similar to that provided for in section four of this Act, to be issued to such Chinese labourers as may desire to leave the United States by water; and it is hereby made the duty of the collector of customs of the district next adjoining the foreign country to which said Chinese labourer desires to go, to issue such certificate, free of charge or cost, upon application by such Chinese labourer, and to enter the same in registry books to be kept by him for the purpose, as provided for in section four of this Act.

Sect. 6. That in order to the faithful execution of articles one and two of the treaty in this Act before mentioned, every Chinese person other than a labourer who may be entitled by said treaty and this Act to come within the United States, and who shall be about to come to the United States, shall be identified as so entitled by the Chinese Government in each case, such identity to be evidenced shall be in the English language or (if not in the English language) accompanied by a translation into English, stating such right to come, and which certificate shall state the name, title, or official rank, if any, the age, height, and all physical peculiarities, former and present occupation or profession, and place of residence in China of the person to whom the certificate is issued, and that such person is entitled conformably to the treaty in this Act mentioned to come within the United States. Such certificate shall be *primâ facie* evidence of the fact set forth therein and shall be produced to the collector of customs, or his deputy, of the port in the district in the United States at which the person named therein shall arrive.

Sect. 7. That any person who shall knowingly and falsely alter or substitute any name for the name written in such certificate or forge any such certificate, or knowingly utter any forged or fraudulent certificate, or falsely personate any person named in such certificate, shall be deemed guilty of a misdemeanor; and upon conviction thereof shall be fined in a sum not exceeding one thousand dollars and imprisoned in a penitentiary for a term of not more than five years.

Sect. 8. That the master of any vessel arriving in the United States from any foreign port or place shall at the same time he delivers a manifest of the cargo, and if there be no cargo, then at the time of making a report of the entry of the vessel pursuant to the law, in addition to the other matter required to be reported, and before landing or permitting to land, any Chinese passengers, deliver and report to the collector of customs of the district in which such vessels shall have arrived a separate list of all such passengers on board his vessel at any foreign port or place, and all such passengers on board the vessel at that time. Such list shall show the names of such passengers (and if

accredited officers of the Chinese Government travelling on business of that Government, or their servants, with a note of such facts) and the names and other particulars, as shown by their respective certificates; and such list shall be sworn to by the master in the manner required by law in relation to the manifest of the cargo. Any wilful refusal or neglect of any such master to comply with the provisions of this section shall incur the same penalties and forfeiture as are provided for a refusal or neglect to report and deliver a manifest of the cargo.

Sect. 9. That before any Chinese passengers are landed from any such vessel, the collector, or his deputy, shall proceed to examine such passengers, comparing the certificates with the list and with the passengers; and no passenger shall be allowed to land in the United States from such vessel in violation of law.

Sect. 10. That every vessel whose master shall knowingly violate any of the provisions of this Act shall be deemed forfeited to the United States, and shall be liable to seizure and condemnation in any district of the United States into which such vessel may enter, or in which she may be found.

Sect. 11. That any person who shall knowingly bring or cause to be brought into the United States by land, or who shall knowingly aid or abet the same, or aid or abet the landing in the United States from any vessel of any Chinese person not lawfully entitled to enter the United States shall be deemed guilty of a misdemeanor and shall, on conviction thereof, be fined in a sum not exceeding one thousand dollars, and imprisoned for a term not exceeding one year.

Sect. 12. That no Chinese person shall be permitted to enter the United States by land without producing to the proper officer of customs the certificate in this Act required of Chinese persons seeking to land from a vessel. And any Chinese person found unlawfully within the United States shall be caused to be removed therefrom to the country from whence he came by direction of the President of the United States, and at the cost of the United States, after being brought before some justice judge, or commissioner of a court of the United States, and found to be one not lawfully entitled to be or remain in the United States.

Sect. 13. That this Act shall not apply to diplomatic and other officers of the Chinese Government travelling upon the business of that Government, whose credentials shall be taken as equivalent to the certificate in this Act mentioned, and shall exempt them and their body and household servants from the provisions of this Act as to other Chinese persons.

Sect. 14. That hereafter no State court, or court of the United States, shall admit Chinese to citizenship; and all laws in conflict with this Act are hereby repealed.

Sect. 15. That the words "Chinese labourers," wherever used in this Act, shall be construed to mean both skilled and unskilled labourers and Chinese employed in mining.

Approved, May 6, 1892.

2. Act of 1884.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section one of the Act entitled "An "Act to execute certain treaty stipulations relating to "Chinese," approved May sixth, eighteen hundred and eighty-two, is hereby amended so as to read as follows:

"Whereas in the opinion of the Government of the United States, the coming of Chinese labourers to this country endangers the good order of certain localities within the territory thereof; therefor,

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this Act, and until the expiration of ten years next after the passage of this Act, the coming of Chinese labourers to the United States be, and the same is hereby suspended, and during such suspension it shall not be lawful for any Chinese labourer to come from any foreign port or place, or having so come to remain within the United States."

Section two of said Act is hereby amended so as to read as follows:

"Sect. 2. That the master of any vessel who shall knowingly bring within the United States on such vessel, and land, or attempt to land, or permit to be landed, any Chineselabourer, from any foreign port or place, shall be deemed guilty of a misdemeanor and, on conviction thereof, shall be punished by a fine of not more than five hundred dollars for each and every such Chinese labourer so brought, and may also be imprisoned for a term not exceeding one year."

Section three of said Act is hereby amended so as to read as follows:

"Sect. 3. That the two foregoing sections shall not apply to Chinese labourers who were in the United States on the seventeenth day of November, eighteen hundred and eighty, or who shall have come into the same before the expiration of ninety days next after the passage of the Act to which this Act is amendatory, nor shall said sections apply to Chinese labourers who shall produce to such master before going on board such vessel, and shall produce to the collector of the port in the United States at which such vessel shall arrive, the evidence herein-after in this Act required, of his being one of the labourers in this section mentioned; nor shall the two foregoing sections apply to the case of any master whose vessel, being bound to a port not within the United States, shall come within the jurisdiction of the United States by reason of being in distress or in stress of weather, or touching at any port of the United States on its voyage to any port or place. Provided, that all Chinese labourers brought on such vessel shall not be permitted to land except in case of absolute necessity, and must depart with the vessel on leaving port."

Section four of said Act is hereby amended so as to read as follows:

"Sect. 4. That for the purpose of properly identifying Chinese labourers who were in the United States on the seventeenth day of November, eighteen hundred and eighty, or who shall have come into the same before the expiration of ninety days next after the passage of the Act to which this Act is amendatory, and in order to furnish them with the proper evidence of their right to go from and come to the United States as provided by the said Act and the treaty between the United States and China dated November seventeenth, eighteen hundred and eighty, the collector of customs of the district from which any Chinese labourer shall depart from the United States shall, in person or by deputy, go on board each vessel having on board any such Chinese labourer, and cleared or about to sail from his district for a foreign port, and on such vessel make a list of all such Chinese labourers, which shall be entered in registry books to be kept for that purpose, in which shall be stated the individual, family, and tribal name in full, the age, occupation, when and where followed, last place of residence, physical marks or peculiarities, and all facts necessary for the identification of each of such Chinese labourers, which books shall be safely kept in the custom-house; and every such Chinese labourer so departing from the United States shall be entitled to and shall receive, free of charge or cost upon application therefor, from the collector or his deputy, in the name of the said collector and attested by said collector's seal of office, at the time such list is taken, a certificate, signed by the collector or his deputy and attested by his seal of office, in such form as the Secretary of the Treasury shall prescribe, which certificate shall contain a statement of the individual, family, and tribal name in full, age, occupation, when and where followed, of the Chinese labourer to whom the certificate is issued, corresponding with the said list and registry in all particulars. In case any Chinese labourer after having received such certificate shall leave such vessel before her departure, he shall deliver his certificate to the master of the vessel; and if such Chinese labourer shall fail to return to such vessel before her departure from port the certificate shall be delivered by the master to the collector of customs for cancellation. The certificate herein provided for shall entitle the Chinese labourer to whom the same is issued to return to and re-enter the United States upon producing and delivering the same to the collector of customs of the district at which such Chinese labourer shall seek to re-enter, and said certificate shall be the only evidence permissible to establish his right of re-entry; and upon delivering of such certificate by such Chinese labourer to the collector of customs at the time of re-entry in the United States said collector shall cause the same to be filed in the custom-house and duly canceled."

Section six of the said Act is hereby amended so as to read as follows:

Sect. 6. That, in order of the faithful execution of the provisions of this Act, every Chinese person, other than a labourer, who may be entitled by said treaty or this Act to come within the United States shall obtain permission of and be identified as so entitled

by the Chinese Government, or of such other foreign Government, of which at the time such Chinese person shall be a subject, in each case to be evidenced by a certificate issued by such Government, which certificate shall be in the English language, and shall show such permission, with the name of the permitted person in his or her proper signature, and which certificate shall state the individual, family, and tribal name in full, title or official rank, if any, the age, height, and all physical peculiarities, former and present occupation or profession, when and where and how long pursued and place of residence of the person to whom the certificate is issued, and that such person is entitled by this Act to come within the United States. If the person so applying for a certificate shall be merchant, said certificate shall, in addition to above requirements, state the nature, character, and estimated value of the business carried on by him prior to and at the time of his application as aforesaid: Provided, that nothing in this Act nor in said treaty shall be construed as embracing within the meaning of the word "merchant," huckster, peddlers, or those engaged in taking, drying or otherwise preserving shell or other fish for home consumption or exportation. If the certificate be sought for the purpose of travel for curiosity, it shall also state whether the applicant intends to pass through or travel within the United States, together with his financial standing in the country from which such certificate is desired. The certificate provided for in this Act, and the identity of the person named therein shall, before such person goes on board any vessel to proceed to the United States, be vided by the indorsement of the diplomatic representatives of the United States in the foreign country from which said certificate issues, or of the consular representative of the United States at the port or place from which the person named in the certificate is about to depart; and such diplomatic representative or consular representative whose indorsement is so required is hereby empowered, and it shall be his duty, before indorsing such certificate as aforesaid, to examine into the truth of the statements set forth in said certificate, and if he shall find upon examination that said or any of the statements therein contained are untrue it shall be his duty to refuse to indorse the same. Such certificate vised as aforesaid shall be *primâ facie* evidence of the facts set forth therein, and shall be produced to the collector of customs of the port in the district in the United States at which the person named therein shall arrive, and afterwards produced to the proper authorities of the United States whenever lawfully demanded, and shall be the sole evidence permissable on the part of the person so producing the same to establish a right of entry into the United States; but said certificate may be controverted and the facts therein stated disproved by the United States authorities."

Section eight of said Act is hereby amended so as to read as follows:

"Sect. 8. That the master of any vessel arriving in the United States from any foreign port or place, shall at the same time he delivers a manifest of the cargo, and if there be no cargo, then at the time, of making a report of the entry of the vessel pursuant to law, in addition to the other matter required to be reported, and before landing or permitting to land, any Chinese passengers, deliver and report to the collector of customs of the district in which such vessels shall have arrived a separate list of all Chinese passengers taken on board his vessel at any foreign port or place and all such passengers taken on board the vessel at that time. Such list shall show the names of such passengers (and if accredited officers of the Chinese or of any other foreign Government, travelling on the business of that Government, or their servants, with a note of such facts), and the names and other particulars as shown by their respective certificates; and such list shall be sworn to by the master in the manner required by law in relation to the manifest of the cargo. Any refusal or wilful neglect of any such master to comply with the provisions of this section shall incur the same penalties and forfeiture as are provided for a refusal or neglect to report and deliver a manifest of the cargo."

Section ten of said Act is hereby amended so as to read as follows:

"Sect. 10. That every vessel whose master shall knowingly violate any of the provisions of this Act shall be deemed forfeited to the United States, and shall be liable to seizure and condemnation in any district of the United States into which such vessel may enter or in which she may be found."

Section eleven of the said Act is hereby amended so as to read as follows:

"Sect. 11. That any person who shall knowingly bring into or cause to be brought into the United States by land, or who shall aid or abet the same, or aid or abet the landing in the United States from any vessel, of any Chinese person not lawfully entitled to enter the United States shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be fined in a sum not exceeding one thousand dollars and imprisoned for a term not exceeding one year."

Section twelve of said Act is hereby amended so as to read as follows:

"Sect. 12. That no Chinese person shall be permitted to enter the United States by land without producing to the proper officer of customs the certificate in this Act required of Chinese persons seeking to land from a vessel. And any Chinese person found unlawfully within the United States shall be caused to be removed therefrom to the country from whence he came, and at the cost of the United States, after being brought before some justice, judge, or commissioner of a court of the United States, and found to be one not lawfully entitled to be or to remain in the United States, and in all such cases the person who brought or aided in bringing such person to the United States shall be liable to the Government of the United States for all necessary expenses incurred in such investigation and removal; and all peace officers of the United States and territories of the United States are hereby invested with the same authority as a marshal or United States marshal in reference to carrying out the provisions of this Act, or the Act of which this is amendatory as a marshal or deputy marshal of the United States, and shall be entitled to a like compensation to be audited and paid by the same officers. And the United States shall pay all costs and charges for the maintenance and return of any Chinese person having the certificate prescribed by law as entitling such Chinese person to come into the United States who may have been permitted to land from any vessel by reason of any of the provisions of this Act."

Section thirteen of said Act is hereby amended so as to read as follows:

"Sect. 13. That this Act shall not apply to diplomatic and other officers of the Chinese or other Governments travelling upon the business of that Government, whose credentials shall be taken as equivalent to the certificate in this Act mentioned, and shall exempt them and their body and household servants from the provisions of this Act to other Chinese persons."

Section fifteen of said Act is hereby amended so as to read as follows:

"Sect. 15. That the provisions of this Act shall apply to all subjects of China and Chinese, whether subjects of China or any other foreign Power; and the words Chinese labourers, whenever used in this Act, shall be construed to mean both skilled and unskilled labourers and Chinese employed in mining."

Sect. 16. That any violation of any of the provisions of this Act or of the Act of which this is amendatory, the punishment of which is not otherwise herein provided for, shall be deemed a misdemeanor, and shall be punishable by fine not exceeding one thousand dollars, or by imprisonment for not more than one year, or both such fine and imprisonment.

Sect. 17. That nothing contained in this Act shall be construed to affect any prosecution or other proceeding, criminal or civil, begun under the Act of which this is amendatory; but such prosecution or other proceeding, criminal or civil, shall proceed as if this Act had not been passed.

Approved, July 5, 1884.

3. Act of 1888.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this Act, it shall be unlawful for any Chinese labourer who shall at any time heretofore have been or who may now or hereafter be, a resident within the United States, and who shall have departed, or shall depart therefrom, and shall not have returned before the passage of this Act, to return to, or remain in, the United States.

Sect. 2. That no certificate of identify provided for in the fourth and fifth sections of the Act to which this is a supplement shall hereafter be issued; and every certificate heretofore issued in pursuance thereof, is hereby declared void and of no effect, and the Chinese labourer claiming admission by virtue thereof shall not be permitted to enter the United States.

Sect. 3. That all the duties prescribed, liabilities, penalties and forfeitures imposed, and the powers conferred by the second, tenth, eleventh, and twelfth sections of the Act to which this is a supplement, are hereby extended and made applicable to the provisions of this Act.

Sect. 4. That all such part or parts of the Act to which this is a supplement as are inconsistent herewith are hereby repealed.

Approved October 1, 1888.

(b.) *State.*

1. Californian Constitution. Article 19. Political Code sect. 3235, Penal Code sects. 178, 179.

Sect. 2. No corporation now existing or hereafter formed under the laws of this State shall, after the adoption of this constitution employ, directly or indirectly, in any capacity, any Chinese or Mongolian . . . . .

(NOTE.—The above section, and sections 178 and 179 of the Penal Code, which were enacted to give effect, were adjudged by the circuit code of the United States to be in conflict with the Treaty of the United States with China and to be therefore void. *See* "In re Tiburcio Parrot, 5 Pac. C.L.J., Supplement.")

Sect. 3. No Chinese shall be employed on any State, county, municipal, or other public work, except in punishment for crime.

Sect. 4. The presence of foreigners ineligible to become citizens of the United States is declared to be dangerous to the well-being of the State, and the legislature shall discourage their imigration by all the means within its powers. Asiatic coolieism is a form of human slavery, and is for ever prohibited in this State, and all contracts for coolie labour shall be void. All companies or corporation whether formed in the country or any foreign country, for the importation of such labour, shall be subject to such penalties as the legislature may prescribe. The legislation shall delegate all necessary power to the incorporated cities and towns of this State for the removal of Chinese without the limits of such cities, towns, or for their location within prescribed portions of those limits, and it shall also provide the necessary legislation to prohibit the introduction into this State of Chinese after the adoption of this constitution. This section shall be enforced by appropriate legislation.

Sect. 3235. (Added by chap. 153, Acts of 1887.) No supplies of any kind or character, "for the benefit of the "State or to be paid for by any moneys appropriated or to "be appropriated by the State," manufactured or grown in this State, which are in whole or in part the product of Mongolian labour, shall be purchased by the officials for the State having control of any public institution under the control of the State, or of any county, city and county, city, or town thereof.

Sect. 178. Any officer, director, manager, member, stockholder, clerk, agent, servant, attorney, employé, assignee, or contractor of any corporation now existing, or hereafter formed under the laws of this State, who shall employ, in any manner or capacity, upon any work or business of such corporation any Chinese or Mongolian, is guilty of a misdeameanor and is punishable by a fine of not less than one hundred nor more than one thousand dollars, or by imprisonment in the county jail of not less than fifty nor more than five hundred days, or by both such fine and imprisonment; provided, that no director of a corporation shall be deemed guilty under this section who refuses to assent to such employment, and has such dissent recorded in the minutes of the board of directors.

1. Every person who, having been convicted for violating the provisions of this section, commits any subsequent violation thereof after such conviction is punishable as follows:

2. For each subsequent conviction such person shall be fined not less than five hundred nor nore than five thousand dollars, or by imprisonment not less than two hundred and fifty days, nor more than two years or by both such fine and imprisonment.

Sect. 179. Any corporation now existing, or hereafter formed under the laws of this State, that shall employ, directly or indirectly in any capacity, any Chinese or Mongolian, shall be guilty of a misdemeanor and upon conviction thereof shall for the first offence be fined not less than five hundred nor more than five thousand dollars, and upon the second conviction shall, in addition to said penalty, forfeit its charter and franchise, and all its corporate right and privileges, and it shall be the duty of the Attorney-General to take the necessary steps to enforce such forfeiture.

(NOTE.—The above sections, and section 2 of article 19 of the constitution of the State, which they were enacted to give effect to, were adjudged by the circuit court of the United States to be in conflict with the Treaty of the United States with China, and to be, therefore, void. *See* "In re Tiburcio Parrot, 5 Pac. C.L.J., Supplement.")

2. Nevada General Statutes of 1885. Chapters 22 and 23.

Preamble.—Whereas all Chinese who come to this coast arrive here under a contract to labour for a term of years, and are bound by such contract, not only by the superstitions of their peculiar religions, but by leaving their blood relations, fathers, mothers, sisters, brothers, or cousins, as hostages, in China for the fulfilment of their part of the contract; and, whereas, such slave labour and involuntary servitude is opposed to the genius of our institutions, opposed to the prevailing spirit of the age, as well as to humanity and Christianity, and degrades the dignity of labour, which is the foundation of republican institutions; and, whereas, section 17 of article one of the constitution of the State of Nevada reads as follows:—"Neither "slavery, nor involuntary servitude unless for the "punishment of crimes, shall ever be tolerated in this "State;" Therefore,

The people of the State of Nevada . . . do enact as follows:

Sect. 4764. The immigration to this State of all slaves and other people bound by contract to involuntary servitude for a term of years, is hereby prohibited.

Sect. 4765. It shall be unlawful for any company, person or persons, to collect wages or compensation for the labour of the persons described in the first section of this Act.

Sect. 4766. It shall be unlawful for any corporation, company, person or persons, to pay to any owner, or agent of the owner of any such persons mentioned in section 1 of this Act, any wages or compensation for the labour of such slaves, or persons so bound by said contract to involuntary servitude.

Sect. 4767. Any violation of any of the provisions of this Act shall be deemed a misdemeanor, and shall be punished by a fine of not less than three hundred dollars, nor more than one thousand dollars, or by imprisonment in the county jail for a term of not less than three months or more than six months, or by both such fine and imprisonment.

Sect. 4947. From and after the passage of this Act, no Chinaman or Mongolian shall be employed directly or indirectly, in any capacity, or any public works, or in or about any buildings or institutions, or grounds, under the control of this State.

Sect. 4948. Hereafter no right of way or charter or other privileges for the construction of any public works by any railroad or other corporation or association shall be granted to such corporation or association, except upon the express condition that no Mongolian or Chinese shall be employed on or about the construction of such work in any capacity.

Sect. 4949. Any violation of the conditions of this Act shall work a forfeiture of all rights, privileges and franchise, granted to such corporation or association.

3. Oregon Miscellaneous Laws of 1887. Chapter 87.

Sect. 4235. . . . It shall be unlawful to employ any Chinese labourers on any street or part of street of any city or incorporated town of this State, or any public works or public improvement of any character, except as a punishment for crime; and all contracts which any person or corporation may have for the improvement of any such street or part of street, or public works or improvements of any character, shall be null and void from and after the date of any employment of Chinese labourers thereon by the contractor. . . .

NOTE.—The above section has been held void by the United States circuit court in Baker *v.* Portland, 5 Saw. 566. In city of Portland *v.* Baker, the circuit court of the State for the fourth district held the section valid. An appeal was taken to the supreme court of the State, but the case was decided in that court upon other points. (City of Portland *v.* Baker, 8 Oregon, 356.)

III.—Acts regulating Alien Immigration into Self-Governing Colonies.

(a.) *Chinese Immigration into the Dominion of Canada.*

1. *Dominion Acts.*

(i.)—An Act to restrict and regulate Chinese Immigration into Canada. [*Assented to 20th July*, 1885.]

Preamble. Whereas it is expedient to make provision for restricting the number of Chinese immigrants coming into the Dominion, and to regulate such immigration; and whereas it is further expedient to provide a system of registration and control over Chinese immigrants residing in Canada: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Interpretation. 1. In this Act, unless the context otherwise requires,—

Master. The expression "master" means any person in command of any vessel;

Vessel. The expression "vessel" means any sea-going craft of any kind or description capable of carrying passengers;

Tonnage. The expression "tonnage" means tonnage according to the measurement fixed by the Merchants' Shipping Acts of the Imperial Parliament;

Chinese immigrant. The expression "Chinese immigrant" means any person of Chinese origin entering Canada and not entitled to the privilege of exemption provided for by Section 4 of this Act;

Controller. The expression "controller" means any officer charged with the duty of carrying the provisions of this Act into effect.

Powers of Governor in Council. 2. The Governor in Council may,—

Appointments. Appoint one or more persons to carry the provisions of this Act into effect;

Present Officers. Assign any duty in connection therewith to any officer or person in the employ of the Government of the Dominion of Canada;

Duties. Define and prescribe the duty or duties of such officer or person;

Remuneration. Fix the salary or remuneration to be allowed to such officer or person.

Publication of appointments. 3. All appointments made under this Act shall be published in the "Canada Gazette."

Duty payable by Chinese immigrants. 4. Subject to the provisions of section thirteen of this Act every person of Chinese origin shall pay into the Consolidated Revenue Fund of Canada, on entering Canada, at the port or other place of entry, the sum of fifty dollars, except the following persons, who shall be exempt from such payment; that is to say, first: the members of the Diplomatic Corps, or other Government representatives and their suite and their servants, consuls and consular agents; and second: tourists, merchants, men of science and students, who are bearers of certificates of identity, specifying their occupation and their object in coming into Canada, or other similar documents issued by the Chinese Government or other Government whose subjects they are; and every such certificate or other document shall be in the English or French language, and shall be examined and indorsed (*visé*) by a British Consul or Chargé d'Affaires or other accredited representative of Her Majesty, at the place where the same is granted, or at the port or place of departure: but nothing in this Act shall be construed as embracing within the meaning of the word "merchant," any huckster, pedlar, or person engaged in taking, drying, or otherwise preserving shell or other fish for home consumption or exportation.

Exceptions.

Certificate proving exemption.

Term "merchant" limited.

Number of Chinese immigrants in any vessel. 5. No vessel carrying Chinese immigrants to any port in Canada shall carry more than one such immigrant for every fifty tons of its tonnage; and the owner of any such vessel who carries any number in excess of the number allowed by this section shall be liable to a penalty of fifty dollars for each person so carried in excess.

Liability and duty of masters of vessels for contravention. 6. Every master of any vessel bringing Chinese immigrants to any port in Canada shall be personally liable to Her Majesty for the payment of the fee imposed by section four of this Act in respect of any immigrant carried by such vessel, and shall deliver, together with the total amount of such fee, to the controller, immediately on his arrival in port and before any of his passengers or crew shall have disembarked, a complete and accurate list of his crew and passengers, showing their names in full, the country and place of their birth, and the occupation and last place of domicile of each passenger.

Penalty for landing any Chinese before duty is paid, &c. 7. Every master of any vessel who lands or allows to be landed off or from any vessel any Chinese immigrant before the duty payable under the provisions of this Act has been duly paid, or who wilfully makes any false statement respecting the number of persons on board his vessel shall in addition to the amount of the fee mentioned in the next preceding section, be liable to a penalty of not less than five hundred dollars, nor more than one thousand dollars for every such offence, and in default of payment to imprisonment for a term not exceeding twelve months, and such vessel shall be forfeited to Her Majesty, and shall be seized by any officer charged with the duty of carrying this Act into effect and dealt with accordingly.

Forfeiture of vessel.

No passenger to land until permit is obtained. 8. No master of any vessel carrying Chinese immigrants shall land any passenger or permit any passenger to land from such vessel, until a permit to do so, stating that the provisions of this Act have been complied with, has been granted to the master of such vessel by the controller, under a penalty of one hundred dollars.

Penalty.

Bill of health to be obtained. 9. No controller at any port shall grant a permit allowing Chinese immigrants to land, until the quarantine officer has granted a bill of health and has certified, after due examination, that no leprosy or infectious or contagious disease exists among them on board such vessel; and no permit to land shall be granted to any Chinese immigrant who is suffering from leprosy or from any infectious or contagious disease, or to any Chinese woman who is known to be a prostitute.

No permit in certain cases.

Certificate to be delivered to immigrant permitted to land. 10. The controller shall deliver to each Chinese immigrant who has been permitted to land, and in respect of whom the duty has been paid as hereinbefore provided, a certificate containing a description of such individual, the date of his arrival, the name of the port of his landing, and an acknowledgment that the duty has been duly paid; and such certificate shall be *primâ facie* evidence of the right of the person presenting the same to enter the Dominion of Canada; but the same may be contested by the Government of Canada, or by any officer charged with the duty of carrying this Act into effect, if there is reason to doubt the validity or authenticity of such certificate, or of any statement therein contained; and such contestation shall be heard and determined in a summary manner by and before any judge of a Superior Court of any Province of Canada where such certificate is produced.

Its effect, but may be contested.

How decided.

Register of certificates. 11. The controller shall keep a register of all persons to whom certificates of entry have been granted.

As to immigrant arriving otherwise than by vessel. 12. Every Chinese immigrant subject to pay the duty imposed by section four of this Act who enters Canada otherwise than by disembarking from any vessel, shall forthwith make declaration of his entry to the controller, or, in the absence of such officer, to the Customs officer of the nearest or most convenient place, and shall forthwith pay to such controller or officer the duty of fifty dollars imposed by this Act, and the controller or officer shall grant a certificate of such entry and payment, in conformity with the provisions of section ten of this Act; and if the declaration is made to a Customs officer he shall report the fact to the controller at the principal seaport of the Province into which such Chinese immigrant has come, and the controller shall record the same in the register of certificates of entry kept by him.

Report to controller such case.

Duty not to be levied on Chinese now resident. 13. The entrance fee or duty payable under this Act shall not apply to any Chinese person residing or being within Canada at the time of the coming into force of this Act, but every such Chinese person who desires to remain in Canada may obtain, within twelve months after the passing of this Act, and upon the payment of a fee of fifty cents., a certificate of such residence from the controller, or from a judge of a Superior Court, a justice of the peace, a police magistrate, a stipendiary magistrate, a recorder, or from the mayor or secretary-treasurer of the municipality in which he resides, or from any officer charged with the duty of carrying this Act into effect; and the person granting such certificate shall report the fact to the controller at the principal seaport of the Province in which such Chinese person resides.

Certificate in such case.

Certificate to China leaving and Canada intending to return. 14. Every Chinese person who wishes to leave Canada, with the intention of returning thereto, shall give notice of such intention to the controller at the port or place whence he proposes to sail or depart, and shall surrender to the said officer his certificate of entry or

of residence, and shall receive in lieu thereof, on payment of a fee of one dollar, a certificate of leave to depart and return; and the persons to whom such certificate is granted shall be entitled, on presentation of the same on his return, to receive from the controller the amount of the entrance fee paid by him on such return, and to have his original certificate of entry or residence returned to him.

Effect of such certificate.

Provision if certificate is lost.

2. In case of the loss of such return certificate, and on proof of such loss to the satisfaction of the controller, the person to whom such certificate was granted, and who has paid the entrance fee imposed by section four of this Act a second time, shall be entitled to have his second entrance fee returned to him, together with his first certificate of entry or residence.

Statement for Provincial Secretary by controller.

15. The controller shall, on the first day of January in each year, send to the Provincial Secretary of the Province wherein certificates of entry have been granted a certified list of all Chinese immigrants to whom such certificates have been granted during the year next preceding.

Penalty on Chinese for evading this Act.

And for aiding in evasion.

16. Every Chinese person who wilfully evades or attempts to evade any of the provisions of this Act as respects the payment of duty, by personating any other individual, or who wilfully makes use of any forged or fraudulent certificate to evade the provisions of this Act, and every person who wilfully aids or abets any such Chinese person in any evasion or attempt at evasion of any of the provisions of this Act, is guilty of a misdemeanour, and liable to imprisonment for a term not exceeding twelve months, or to a penalty not exceeding five hundred dollars, or to both.

Penalty for taking part in organising unlawful court, as to offences by Chinese.

Proviso.

17. Every person who takes part in the organisation of any sort of court of tribunal, composed of Chinese persons, for the hearing and determination of any offence committed by a Chinese person, or in carrying on any such organisation, or who takes part in any of its proceedings, or who gives evidence before any such court or tribunal, or assists in carrying into effect any decision or decree or order of any such court or tribunal, is guilty of a misdemeanour, and liable to imprisonment for any term not exceeding twelve months, or to a penalty not exceeding five hundred dollars, or to both: but nothing in this section shall be construed to prevent Chinese immigrants from submitting any differences or disputes to arbitration, provided such submission be not contrary to the laws in force in the Province in which such submission is made.

Penalty for molesting officers.

18. Every person who molests, persecutes, or hinders any officer or person appointed to carry the provisions of this Act into effect is guilty of a misdemeanour, and liable to imprisonment for a term not exceeding twelve months, or to a fine not exceeding five hundred dollars, or to both.

Penalty for other contraventions.

19. Every person who contravenes any provision of this Act, for which no special punishment is herein provided, is guilty of a misdemeanour, and liable to a penalty not exceeding five hundred dollars, or imprisonment for a term not exceeding twelve months, or to both, in the discretion of the court before which conviction is had.

Application of dues, penalties, &c.

20. All dues, pecuniary penalties, and other sources of revenue under this Act shall be paid into and form part of the Consolidated Revenue Fund of Canada; but one-fourth part of all entry dues paid by Chinese immigrants shall, at the end of every fiscal year, be paid out of such fund to the Province wherein the same were collected.

Chinese interpreter.

21. The Governor in Council may engage and pay an interpreter, skilled in the English and Chinese languages, at a salary of not more than three thousand dollars per annum, to reside in the Province of British Columbia, and may assign to him such duties as he deems meet.

Before whom suits may be brought.

22. All suits or actions for the recovery of dues under this Act and all prosecutions for offences under this Act which are not therein declared to be misdemeanours, shall be tried before one or more justices of the peace, or before the recorder, police magistrate, or stipendiary magistrate having jurisdiction where such dues are exigible or where the offence was committed.

When the provisions of this Act shall come into force.

23. This Act, as respects any vessel sailing from a port in the continent of North America, shall come into force one month after the passing thereof, and as respects other vessels and other matters, the same shall come into force on the first day of January one thousand eight hundred and eighty-six, except that certificates under section thirteen may be granted, in accordance with the terms of the said section, and that controllers may be appointed at any time after the passing hereof.

Short title.

24. This Act shall be cited as the "Chinese Immigration Act, 1885."

(ii.) An Act to amend "The Chinese Immigration Act." [*Assented to 23rd June*, 1887.]

Preamble. R.S.C., c. 67.

WHEREAS it is expedient to amend "The Chinese Immigration Act:" Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Exemption from duty in a certain case.

1. No duty shall be payable under "The Chinese Immigration Act," in respect of any woman of Chinese origin who is the wife of a person who is not of Chinese origin; but, for the purposes of the said Act, such woman shall be deemed to be of the same nationality as her husband.

Conditions as to passage through Canada.

Penalty for failure to fulfil conditions.

2. Persons of Chinese origin may pass through Canada by railway, *in transitu*, from one port or place out of Canada to another port or place out of Canada, without payment of the entry dues provided for under section eight of "The Chinese Immigration Act," provided that such passage is made in accordance with, and under such regulations, as are made by the Minister of Customs for such purpose; and any railway company which undertakes to transport any such persons through Canada, and fails to comply with such regulations, or to take such persons out of Canada at the designated port of exit and within the time specified in the undertaking shall, in addition to the entry dues, payable under the said section eight of the Act hereinbefore cited, be liable to the penalty or forfeiture provided by law for non-compliance with Customs bonding regulations.

Section 15, repealed; new section.

3. Section fifteen of "The Chinese Immigration Act," is hereby repealed and the following substituted therefor:—

Application of duties, &c.

"15. All duties, pecuniary penalties, and revenue from other sources und this Act shall be paid into and form part of the Consolidated Revenue fund of Canada; but one-fourth part of the net proceeds of all entry dues paid by Chinese immigrants shall, at the end of every fiscal year, be paid out of such fund to the Province wherein the same were collected."

Section 20 amended.

4. Section twenty of "The Chinese Immigration Act" is hereby amended by striking out therefrom the words "or to both."

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2. *British Columbian Acts.*

(i.)—An Act to provide for the better collection of Provincial Taxes from Chinese. [*2nd September*, 1878.]

Preamble.

WHEREAS Acts are in force in the Province providing for the collection of taxes on real and personal property, on income, on unoccupied land, and also for the collection of a separate tax for the maintenance of the school system.

And whereas large numbers of Chinese evade the payment of such taxes by reason of the provisions of the said Acts not being applicable for the collection of taxes from Chinese:

And whereas it is advisable, in order that all should contribute to the general revenue, that a more simple method should be adopted for the collection of taxes from Chinese:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Certain Tax Acts not to apply to Chinese.

1. The provisions of the "Assessment Act, 1876," and of the "School Tax Act, 1876," shall not apply to Chinese, but in lieu thereof the following provisions shall be substituted.

Every Chinese person over 12 years of age to take out a licence every three months.

2. Every Chinese person over twelve years of age shall take out a licence every three months, for which he shall pay the sum of ten dollars, in advance, unto and to the use of Her Majesty, her heirs and successors, and such licence may be in the form A. in the schedule hereto.

Lieutenant-Governor in council to appoint collectors.

3. The Lieutenant-Governor in Council shall from time to time appoint persons to act, during pleasure, as collectors under the provisions of this Act, or any portion thereof, and may require from such person such security as he may think fit, and allow the collector such percentage upon the amount of his collections as may seem reasonable and just upon the gross amount collected in any one year, and the Lieutenant-Governor in Council may further allow such additional sum, by way of expenses, as may be necessary and reasonable for the purpose of carrying out the provisions of this Act.

Duties of collectors.

4. Every collector shall collect the tax from each person liable to pay the same, and shall, as soon after and as may be, pay over the amount to the officer in charge of the Treasury, or to such other person as the Lieutenant-Governor in Council may direct.

Employers of Chinese labour to furnish lists of employés to collector.

5. Every merchant, farmer, trader, or employer of Chinese labour shall furnish to the collector, when requested by him so to do, from time to time, a list of all Chinamen in his employ or indirectly employed by him, liable to pay the said tax; but no such statement shall bind the collector, nor shall excuse him from making due inquiry to ascertain its correctness.

Penalty for failure to furnish list, and for making false statement in list.

6. In case any person fails to deliver to the collector the list mentioned in the preceding section, when required so to do, or knowingly states anything falsely therein, such person shall, on complaint of the collector and upon conviction before a justice of the peace having jurisdiction within the district wherein the merchant, farmer, trader, or employer carries on his business, forfeit any pay a fine not exceeding one hundred dollars for every Chinese person in his employ, to be recovered by distress of the goods and chattels of the person failing to pay the same, or in lieu thereof shall be liable to imprisonment for a period not less than one month and not exceeding two calendar months.

Licence how levied by collector.

7. The collector may, by himself or by his agent, levy the amount of the quarterly licence from any Chinese person not being in lawful possession of a licence, with costs, by distress of the goods and chattels of the person who ought to pay the same, or of any goods and chattels in his possession, wherever the same may be found, or of any goods or chattels found on the premises, the property of or in the possession of any other occupant of the premises; and the costs chargeable shall not exceed those usually payable under warrant of distress for rent.

It shall be sufficient authority for the collector to levy as aforesaid on the non-production of the quarterly receipt; proof of the lawful possession of such receipt shall lie on the person whose goods are distrained.

Chinese persons not in possession of lawfully issued licence to be subject to certain penalties.

8. Any Chinese person who shall not have in his possession a licence lawfully issued to him, and any person who shall employ any Chinese person who has not in his possession a licence lawfully issued to him, shall, on conviction thereof, forfeit and pay a sum not exceeding one hundred dollars, and in default of immediate payment the amount of such penalty shall be levied by distress and sale of the goods and chattels of the persons contravening the provisions of this Act, or if sufficient distress be not found, shall be liable to be imprisoned, with or without hard labour, for any period not exceeding two months and not less than one month.

What averment of such licence being lawfully issued shall suffice.

9. In any prosecution for the infraction of any of the provisions of this Act the averment in the information that any person named therein had not in his possession, at the time of the alleged infraction, a licence lawfully issued to him, shall be sufficient proof that such person had not such licence unless the defendant shall prove the contrary.

Who to hear and determine information for infraction of provisions of this Act.

10. Any information for any infraction of the provisions of this Act, may be heard and determined by any mayor, warden, or any justice of peace, and the same may be heard and determined in a summary manner at any locality where the accused shall be found.

Employer of a Chinese person to demand his quarterly licence.

11. Every employer of a Chinese person shall demand from every such person in his employ his quarterly licence, and shall retain the same in his possession during the time such person is in his employ, and shall return the same to him when he leaves his service; and every employer as aforesaid shall produce to the collector, whenever required so to do, such licence for his inspection.

Chinese persons refusing, neglecting, or being unable to take out licences to be liable to perform labour on public roads and works in lieu thereof.

12. Every Chinese person who neglects, refuses, or is unable to take out the said quarterly licence, shall be liable, at the instance of the collector, to perform labour on public roads and works in lieu thereof. The cost of food, five per cent. of the wages of the overseer hereinafter mentioned, and five per cent. on the amount of the quarterly licence for cost of wear and tear of tools, shall be added to the quarterly sum of ten dollars, and shall be deemed to be payable by every Chinese person performing such labour in addition to the amount of his quarterly licence. A day's labour duly performed shall be equivalent to 50 cents, and each Chinese person shall perform the work required of him continuously until an amount of work equivalent to the whole sum due by by him has been performed. On the completion of such amount of work as aforesaid, the overseer shall give to each Chinese person performing the same a licence for the quarter, calculated from the time such Chinese person commenced to work, and such licence may be in the form B. in the schedule hereto.

Hours of labour.

13. Every Chinese person performing such labour as aforesaid, shall be at the place appointed by the overseer at 7 o'clock in the morning to begin his labour, and shall labour from the said hour of 7 a.m. until 6 o'clock in the evening, doing such work as shall be directed by the overseer or his agent, in a proper and workmanlike manner. One hour shall be allowed at mid-day for food.

Penalty for refusing to perform labour.

14. If any Chinese person liable to perform the labour aforesaid, shall fail, refuse, or neglect to perform the said labour at the time and place appointed, or if, when present, shall decline, neglect, or refuse to labour in a proper and workmanlike manner, or to do such work as as he is directed by the overseer, he shall be liable for each day's default or neglect to perform two days' labour instead of one, or in default thereof may be imprisoned, with hard labour for any term not exceeding six months, on conviction in a summary way before a justice of the peace; and if any person shall obstruct or cause to be obstructed others in the performance of their duties, or shall do anything calculated to obstruct the due performance of the labour shall, on conviction thereof in a summary way before a justice of the peace, be imprisoned with hard labour for a period not exceeding six months. The overseer is hereby empowered and required to prosecute in such cases.

Lieutenant-Governor in Council to appoint overseers.

15. It shall be lawful for the Lieutenant-Governor in Council to appoint such persons from time to time, as he may think fit, to be overseers under this Act, with such remuneration as he shall think fit, and also to prescribe the duties of such overseers.

Chinese persons passing through certain toll-gates to produce licenses.

16. The toll collector at Yale and at Telegraph Creek, Cassair, shall before allowing any Chinese person to pass through either toll gate, demand from such person the production of his licence, and until the same is produced, such person shall not be allowed to proceed through the toll gate,

Act not to apply to certain personsuntil 1st November 1878.

17. The provisions of this Act shall not apply to Chinese actually employed in the cannaries of this Province until the 1st day of November A.D. 1878.

Certain sections not to apply for one month after passing of Act.

18. The provisions contained in sections 8, 11, 12, 13, and 14, shall not be enforceable or have any effect until after the expiration of one month from the passage of this Act.

Short title.

19. This Act may be cited as the "Chinese Tax Act, 1878."

(ii.)—An Act to prevent Chinese from acquiring Crown Lands. [18*th February*, 1884.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

Chinese not to record or acquire Crown lands.

1. It shall not be lawful for a Commissioner, as defined by the "Land Act, 1884," or any other person, to issue a pre-emption record of any Crown land, or sell any portion thereof, to any Chinese, nor grant authority under the said Act to any Chinese to record or divert any water from the natural channel of any stream, lake, or river in this Province.

Such record or grant to be void.

2. Any record or grant made contrary to the provisions of this Act shall be void and of no effect.

Meaning of "Chinese."

3. The term Chinese in this Act shall mean any native of the Chinese Empire or its dependencies, and shall include any person of the Chinese race.

(iii.)—An Act to regulate the Chinese population of British Columbia. [18*th February*, 1884.]

Preamble.

WHEREAS the incoming of Chinese to British Columbia largely exceeds that of any other class of immigrant, and the population so introduced are fast becoming superior in number to our own race; are not disposed to be governed by our laws; are dissimilar in habits and occupation from our people; evade the payment of taxes justly due to the Government; are governed by pestilential habits; are useless in instances of emergency; habitually desecrate graveyards by the removal of bodies therefrom; and generally the laws governing the whites are found to be inapplicable to Chinese, and such Chinese are inclined to habits subversive of the comfort and well-being of the community:

And whereas it is expedient to pass special laws for the Government of Chinese:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Short title.

1. This Act shall be cited as the "Chinese Regulation Act, 1884."

Meaning of "Chinese."

2. The term "Chinese" wherever used in this Act shall mean any native of the Chinese Empire or its dependencies not born of British parents, and shall include any person of the Chinese race.

Imposes annual tax of 10 dollars on every Chinese.

3. From and after the passage of this Act there shall be payable and paid by every Chinese in British Columbia, above the age of fourteen years, unto and for the use of Her Majesty, her heirs and successors, the sum of ten dollars, and thereafter on the 1st day of June in each and every year there shall be likewise payable and paid by such Chinese person a further sum of ten dollars.

Appointment of Chinese collectors.

4. The Lieutenant-Governor in Council shall immediately upon the passage of this Act, and from time to time thereafter as occasion may require, appoint in each electoral district one or more person or persons to be called Chinese collectors, to collect and receive such payments from Chinese, and such collector or collectors immediately upon such payment shall issue and deliver to the person paying the same a license in the form contained in the schedule hereto, and the Lieutenant-Governor in Council may require from the collectors so to be appointed such security as he may see fit and may allow them such percentage upon the amount of collections as may seem reasonable and just, and the Lieutenant-Governor in Council may further allow such additional sum by way of expenses as may be necessary and reasonable for the purpose of carrying out the provisions of this Act.

Penalty for not having a licence.

5. Any Chinese who shall be found within the Province not having in his possession a licence issued under the provisions of this Act, lawfully issued to him, shall on conviction thereof forfeit and pay a sum not exceeding forty dollars.

Penalty on collector, &c. for disobeying the provisions of this Act.

6. Any collector or Government servant wilfully disobeying any of the provisions of this Act shall forfeit and pay a sum not exceeding one hundred dollars.

Taxes collected to be paid into the Treasury.

7. Every collector shall collect the tax from each Chinese, and shall as soon afterwards as may be pay over the amount to the officer in charge of the Treasury, or to such other person as the Lieutenant-Governor in Council may from time to time direct.

List of Chinese employés to be furnished.

8. Every employer of Chinese shall furnish to the collector, when requested by him so to do, from time to time, a list of all Chinese in his employ, or indirectly employed by him; but no such statement shall bind the collector, nor shall excuse him from making due inquiry to ascertain its correctness.

Penalty for not furnishing such list or for making false statements.

9. In case any employer of Chinese fails to deliver to the collector the list mentioned in the preceding section, when required so to do, or knowingly states anything falsely therein, such employer shall, on complaint of the collector and upon conviction before a justice of the peace having jurisdiction within the district wherein such employer carries on his business, forfeit and pay a fine not exceeding one hundred dollars for every Chinese in his employ, to be recovered by distress of the goods and chattels of such employer failing to pay the same, or in lieu thereof shall be liable to imprisonment for a period not less than one month and not exceeding two calendar months.

Collector may distrain for the amount of the licence, with costs.

Of what goods the distress may be had.

10. The collector may, by himself or his agent, levy the amount of the licence from any Chinese not being in lawful possession of a licence, with costs, by distress of his goods and chattels, or of any goods and chattels which may be in the possession of the delinquent, or which may be upon or in any premises (whether the goods of the delinquent or not) for the time being in the possession or occupation of such delinquent Chinese, and for the purposes of this section premises shall be deemed to be in the possession or occupation of any Chinese when it can be shown to the satisfaction of the tribuna having cognizance of the matter—

(*a.*) That such Chinese habitually frequents such premises with the assent of the owner.

(*b.*) That he is the owner or one of the owners of the premises, or has control either alone or jointly with another or others of such premises or some part thereof.

(*c.*) That he has passed the night or slept upon such premises at any time within a week of the levy.

It shall be sufficient authority for the collector to levy as aforesaid on the non-production of the licence. Proof of the lawful possession of such receipt shall lie on the person whose goods are distrained.

Licence to be demanded by employer and retained during the service.

11. Every employer of Chinese shall demand from every such Chinese in his employ his licence, and shall retain the same in his possession during the time such Chinese is in his employ, and shall return the same to him when he leaves his service; and every employer as aforesaid shall produce to the collector, whenever required so to do, such licence for his inspection.

Toll collectors not to allow Chinese to pass unless licence produced.

12. The toll collector at any and every toll gate which may exist in the Province from time to time, shall, before allowing any Chinese to pass through any toll gate, demand from such Chinese the production of his licence, and, until the same is produced, such Chinese shall not be allowed to proceed through the toll gate.

Unlicensed Chinese not to be employed.

13. It shall be unlawful for any person to employ any Chinese who has not in his possession the licence required by this Act, and any person guilty of an infraction of the provisions of this section shall forfeit and pay a fine not exceeding fifty dollars for every Chinese so employed.

Fee for free miner's certificate to a Chinese to be 15 dollars.

14. The sum payable by a Chinese for a free miner's certificate shall be fifteen dollars for each year during which the same is to be in force instead of five dollars, as by the present mining laws provided, and no free miner's certificate shall hereafter be issued to any Chinese except upon payment of the said sum of fifteen dollars.

Chinese not to mine without certificate. Not to be employed in mining without certificate. Penalty for so doing.

15. Any Chinese who shall be found mining for gold and precious metals, or following the ordinary occupation of a free miner, whether on his own account or for others, without having in his possession a free miner's certificate, lawfully issued to him subsequently to the passage of this Act, and any person who shall employ any Chinese in and about gold mining who has

not in his possession such a certificate, shall forfeit and pay a sum not exceeding thirty dollars.

Amends "Licences Ordinance, 1867."

16. Sub-section (*i.*) of the Schedule A. to the "Licences Ordinance, 1867," is hereby amended by adding thereto the following words: "but no licence shall be issued to any Chinese."

Dead bodies of Chinese not to be exhumed or removed without permission.

17. Without the permission in writing of the Provincial Secretary or Government agent of the district or place where the permission is sought it shall be unlawful to remove the remains of any dead Chinese from any cemetery or place where such dead Chinese may have been interred, or to exhume the bodies or remains of any dead Chinese, and any person guilty of an infraction of this section shall forfeit and pay a sum not exceeding one hundred dollars.

Prohibits the use of opium, except for medicinal purposes.

18. The use of opium (except for medicinal or surgical purposes) is hereby prohibited, and any person who shall use or consume, or have in his possession any opium, except for the purposes aforesaid, shall forfeit and pay a penalty not exceeding one hundred dollars, and the onus of proof shall lie upon the party charged of showing that such opium was used, or consumed, or in his possession for medicinal or surgical purposes.

Recovery of penalties.

19. Any pecuniary penalty by this Act imposed may be sued for and recovered in a summary way before any justice of the peace having jurisdiction in the locality where the charge is made, and in default of immediate payment of any such penalty the same may be recovered by distress and sale of the goods of the offender, and failing sufficient distress, the offender shall suffer a term of imprisonment not exceeding three calendar months.

Convictions not to be quashed for want of form. Appeal to the county court.

20. No conviction for any offence shall be quashed for want of form, and no conviction shall be removed into any of Her Majesty's Courts by certiorari or reviewed in any manner except by appeal in manner hereinafter stated, that is to say: Any Chinese convicted of an offence against the provisions of this Act may appeal to the county court nearest to the place of conviction, provided he shall, within four days after such conviction, have given notice in writing to the convicting magistrate of his intention to appeal, and shall have furnished security in the sum of one hundred dollars, conditioned to abide by the decision of the Appellate Court, and shall have also deposited with the convicting magistrate a sum of money sufficient in the opinion of such magistrate to pay the costs and expenses of a jury to try such appeal, and such appeal shall be heard and tried before the county court with or without a jury of five, at the option of the parties, and notwithstanding any defect in the proceedings, the appeal shall be heard and decided on the merits, and if the conviction be affirmed the appellant shall be punished according to the conviction, and shall pay the costs of the appeal, and if the appeal be allowed, it shall be lawful for the Lieutenant-Governor in Council to issue his warrant to the treasurer for the repayment to the appellant of the money paid by him for jury process.

Security for costs, &c. of appeal.

Penalty for lending or using borrowed licences, &c.

21. Any Chinese who shall lend his licence or free miner's certificate to another Chinese, and any Chinese who shall utter or pass off upon any collector or other person any licence or free miner's certificate other than his own, with intent himself to avoid payment of the licence fee payable under this Act (and the onus of proving that such was not his intent shall rest upon the person charged,) shall forfeit and pay a penalty of not less than twenty dollars nor more than one hundred dollars.

Proof as to age and nationality of Chinese.

22. The tribunal having cognizance of any matter under the provisions of this Act may decide, upon its own view and judgment, whether any person is a Chinese, and whether any person found by the Court to be a Chinese be of the age of fourteen years.

Sanitary provisions affecting buildings let to Chinese.

23. It shall not be lawful to let or occupy, or suffer to be occupied, as a dwelling, any room unless the following requirements are complied with, that is to say:—

(*a.*) Unless such room contains at all times at least 384 cubic feet of space for each person occupying the same:

(*b.*) Unless such room has a window, made to open, at least two feet square.

Penalty for infraction of the provisions of Section 23.

24. Any person who lets, occupies, or knowingly suffers to be occupied, any room contrary to the provisions of Section 23, shall be liable for every offence to a penalty not exceeding fifty dollars.

Interpretation of "occupied as a dwelling."

25. Any room in which any person passes the night shall be deemed to be occupied as a dwelling within the meaning of this Act.

Rules, &c. may be made for the management and employme of persons imprisoned for infractions of this Act.

26. The Lieutenant-Governor in Council may, by any general regulation, direct that any persons imprisoned in respect of any infraction against the provisions of this Act shall be worked and employed at such places and on such public works, or local works for the public benefit or convenience, and may make such rules and regulations, and may alter or annul the same, for the safe custody, control, and general management of such prisoners, as the said Lieutenant-Governor may from time to time deem advisable.

And for carrying out the intent of this Act.

27. The Lieutenant-Governor in Council may also make such rules and regulations, not inconsistent herewith, as may from time to time appear necessary for carrying out the true intent and meaning of this Act.

Burden of proof lies the defendant.

28. For the purpose of any proceeding taken under the provisions of this Act, the burden shall lie on the defendant of proving that he is exempt from the operation of any of its provisions, and it shall not be necessary in any information, summons, or conviction, or other document, to state or negative any exception in or exemption under this Act or in contemplation of law.

Operation of Act postponed.

29. This Act shall not come into operation until one year from the passage hereof.

Short title.

30. This Act may be cited as the "Chinese Regulation Act, 1884."

(iv.)—An Act to prevent the Immigration of Chinese.

[*9th March* 1885.]

Preamble.

WHEREAS by the "British North America Act, 1867," Section 95, it is enacted as follows:—

"In each Province the Legislature may make laws in relation to agriculture in the Province and to immigration into the Province, and it is hereby declared that the Parliament of Canada may from time to time make laws in relation to agriculture in all or any of the Provinces, and to immigration into any or all of the Provinces; and any law of the Legislature of a Province relative to agriculture or to immigration shall have effect in and for the Province as long and as far only as it is not repugnant to any Act of the Parliament of Canada:"

And whereas it is expedient to prevent the immigration of Chinese into British Columbia;

And whereas the provisions hereinafter contained are not repugnant to any Act of the Parliament of Canada:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Interpretation of "Chinese."

1. The word "Chinese" in this Act shall mean and include any native of China or its dependencies, or of any islands in the Chinese seas, not born of British parents or any person born of Chinese parents.

Chinese immigration prohibited.

Penalty of 50 dollars on every Chinese coming into the province.

2. It shall be unlawful for any Chinese to come into the Province of British Columbia, or any part thereof. Any Chinese who hereafter shall come into British Columbia shall forfeit and pay the sum of fifty dollars, to be recovered in a summary way before any justice of the peace, and in default of payment shall suffer imprisonment, with hard labour, for any period not exceeding six months. The Chinese convicted shall remain liable to the payment of the said sum of fifty dollars, until he shall have paid the same, notwithstanding he may undergo such imprisonment; and so long as such sum remains unpaid, any collector of provincial revenue tax, or any constable may, without warrant, levy such sum by distress and sale of the goods and chattels of the Chinese convicted. Any Chinese who shall come into British Columbia may be arrested, without warrant, by any constable, and brought before any justice of the peace to be dealt with according to law

Penalty on persons assisting in bringing in Chinese.

3. Any master of a ship, officer, or other person who shall bring, or assist in bringing, into British Columbia, any Chinese, or who shall assist in any way any Chinese in coming into British Columbia, shall forfeit and pay, in respect of each such Chinese, the sum of two hundred dollars, to be recovered in a summary way before any justice of the peace, and in default of payment shall be liable to be imprisoned for any period not exceeding six months.

Arrests may be made without warrant for violation of this Act.

4. Any person who shall be found violating the provisions of the next preceding section may be arrested, without warrant, by any constable, and brought before any justice of the peace to be dealt with according to this Act.

Not to apply to Chinese employed on vessels.

5. Nothing in this Act shall apply to any Chinese actually employed as seaman, cook, steward, or waiter upon any vessel wherein the number of Chinese so employed shall not exceed twenty.

Provisions to enable Chinese residents leaving the province to return.

6. It shall be lawful for the Provincial Secretary, or any person authorised by him, upon the application of any Chinese, and upon being satisfied that such Chinese was, at the time of the passing of this Act, or had been previously, a bonâ fide resident of the Province, and that he desires to be absent therefrom for a temporary purpose only, to grant to such Chinese a certificate that he is exempt from the provisions of this Act for a term to be specified in such certificate, and during the time so specified the holder of such certificate shall be exempt from the provisions of this Act: Provided that, before such certificate shall be granted, the Chinese shall have his photograph taken, at his own expense, by some photographer nominated by the officer granting the certificate, and a copy of the photograph shall be retained and marked with a number corresponding with the number of the certificate. Each certificate shall be numbered and shall state the name, age, and general description and appearance of the applicant.

Provisions to enable return of Chinese residents now absent.

7. Notwithstanding anything in this Act contained it shall be lawful for the Provincial Secretary, upon proof to his satisfaction that any Chinese who, at any time, within one year prior to the passing of this Act, had been a stated resident of the Province, but who at the time of such passage was temporarily absent, to issue a certificate to such Chinese, exempting him from the provisions of this Act.

Fees.

8. It shall be lawful to impose a fee not exceeding $5 for every certificate to be granted under the provisions of this Act, which fee shall form part of the Provincial Revenue.

Justice may decide on his own view whether person produced is a Chinese.

9. At the hearing of any prosecution under this Act, the justice may decide, upon his own view and judgment, whether any person charged or produced before him is a Chinese within the meaning of this Act.

(b.) *Chinese Immigration into Australasia.*

1. *Victorian Acts.*

(i.)—An Act to amend the Laws affecting the Chinese immigrating to or resident in Victoria.

Be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows that is to say—

Title of Act.

1. This Act shall be called and may be cited as the "Chinese Immigrants Statute 1865."

Repeal of Act. Schedule.

2. From and after the passing of this Act the Act mentioned in the Schedule hereto shall be and the same is hereby repealed but nothing herein shall affect any act regulation appointment or order lawfully done or made or any penalty incurred before the passing of this Act.

Interpretation.

3. In the interpretation and for the purposes of the provisions of this Act the following words shall unless inconsistent with or repugnant to the context have the respective meanings hereby assigned to them that is to say—

The word "master" shall be held to apply to any person in command of any vessel.

The word "ship" shall mean any sea-going vessel of any kind or description.

And the word "immigrant" shall mean any male adult native of China or its dependencies or of any islands in the Chinese seas not born of British parents or any person born of Chinese parents.

Governor in Council to appoint officers.

4. The Governor in Council may appoint such and so many persons to carry out the provisions of this Act with such designations as to the Governor in Council shall seem necessary or desirable.

Governor may make rules and regulations.

5. The Governor in Council may make such rules and regulations as may be deemed necessary for defining the duties and conduct of the officers to be appointed under the authority of this Act the registration of immigrants on their arrival at the district or place to which they may proceed the removal from such district of all or any of such immigrants if it shall be found necessary or desirable to do so the circumstances under which any such registration or removal shall be required the period for which such registry or removal is to last and the mode time and place of any such registration or removal also for the protection of immigrants and the adjustment of disputes between them and generally for the management and good government of immigrants and any such rules and regulations may alter vary or annul and substitute others as occasion may require and any immigrant or other person who shall be wilfully guilty of any breach or infringement of any such rule or regulation shall forfeit and pay a penalty not exceeding five pounds.

Passengers' list to state whether immigrants as defined by this Act are aboard or not.

6. The master of every ship upon arrival at any port in Victoria having passengers on board shall distinctly specify and state in the list of passengers required by any Act now or hereafter in force relating to passengers arriving in Victoria to be exhibited or delivered to the collector or other chief officer of customs at the port of arrival whether any and which of such passengers are immigrants within the meaning of this Act and in default of his delivering such list without so specifying as aforesaid such master shall be liable to a penalty not exceeding two hundred pounds.

Penalty for obstructing officers.

7. If any person shall hinder molest obstruct or assault any person appointed under this Act or any person acting under his authority or under any power or authority given by this Act every such person shall on conviction forfeit and pay a penalty not exceeding ten pounds.

Immigrants imprisoned may be set to labour on local works approved of by the Governor.

8. The Governor in Council whenever any immigrants are sentenced to imprisonment or imprisonment and hard labor may direct that such immigrants so sentenced shall be worked and employed at such places and on such public work or local work for the public benefit or convenience and may make such rules and regulations and may alter or annul the same for the safe custody control and general management of such immigrants so sentenced as aforesaid as the Governor in Council shall deem desirable.

Penalties recovered in a summary manner.

9. All offences under this Act shall be heard and determined and all penalties recovered in a summary manner before any two or more justices and at the hearing of any case the justices adjudicating shall decide upon their own view and judgment whether any person charged before them is or is not an immigrant within the meaning of this Act.

Immigrant not to vote at elections formining boards.

10. No immigrant within the meaning of this Act notwithstanding that he holds a miner's right or business license or other document under any Act now or hereafter in force relative to the goldfields shall be entitled to vote at the election of members for any mining board,

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(ii.)—An Act to amend "The Chinese Immigrants Statute 1865." [*24th December* 1881.]

Be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this

present Parliament assembled and by the authority of the same as follows (that is to say):—

Title and commencement of Act. No. 259.

1. This Act shall be called and may be cited as "The Chinese Act 1881," and shall be read and construed as one with "The Chinese Immigrants Statute 1865," and shall commence and come into operation on the first day of April one thousand eight hundred and eighty-two.

Number of Chinese immigrants to be brought to Colony by vessel.

2. If any vessel having on board a greater number of immigrants (within the meaning of the Act No. 259) than in the proportion of one such immigrant to every hundred tons of the tonnage of such vessel shall arrive at any time in any port in Victoria the owner master or charterer of such vessel shall be liable on conviction to a penalty of one hundred pounds for each immigrant so carried in excess of the foregoing limitation.

For the purposes of this Act the tonnage of a vessel shall be ascertained in the manner prescribed by "The Passengers, Harbors and Navigation Statute 1865."

Ten pounds to be paid for each Chinese immigrant arriving by vessel.

3. Before any immigrant arriving from parts beyond Victoria shall be permitted to land from any vessel at any port or place in Victoria and before making any entry at the customs the master of the vessel by which such immigrant shall so arrive shall pay to the collector or other principal officer of customs the sum of ten pounds for every such immigrant, and no entry shall be deemed to have any legal effect until such payment shall have been made and such immigrant for whom such sum has been paid shall receive from the said collector or other principal officer a certificate to that effect. If any master shall neglect to pay any such sum or shall land or permit to land or suffer to land or to escape from such vessel at any port or place in Victoria any immigrant before such sum shall have been paid by such master or his agent or before such list shall have been delivered such master shall be liable for every such offence to a penalty of fifty pounds for each immigrant so landed or permitted or suffered to land or to escape and in addition to such penalty shall also pay the sum hereby required to be paid for each such immigrant.

Penalty.

Penalty on not paying or having had paid fee for entrance to the Colony.

4. If any immigrant shall enter or attempt to enter this Colony by sea who shall not have paid or had paid for him the said sum of ten pounds he shall be liable to a penalty of ten pounds and on default of payment of such penalty shall be liable to imprisonment for twelve months unless such penalty be sooner paid and may be apprehended and taken before any justice to be dealt with in due course of law.

Exemption of Chinese immigrants who are British subjects.

5. Notwithstanding anything in this Act contained any immigrant arriving in Victoria who produces evidence to the satisfaction of the collector or other principal officer of customs or other duly authorised officer that he is a British subject shall be wholly exempt from the operation of this Act and a certificate of the Governor of any British colony shall on being verified to the satisfaction of such collector or other officer be sufficient evidence of the claim of such immigrant to exemption under this section.

Exemption of certain officials, &c.

6. The aforesaid sum of ten pounds shall not be payable by or for any immigrant duly accredited to this Colony by the Government of China or by or under the authority of the Imperial Government on any special mission.

Exemption of crews.

7. The penalties and restrictions imposed by this Act shall not nor shall any of them be held to be applicable in the case of any immigrant being one of the crew of any vessel arriving in any port in Victoria and no such immigrant being one of such crew shall be discharged and landed from such vessel within Victoria or shall at any time go on shore except in the performance of his duties in connexion with such vessel, and every such immigrant so discharged and landed or so going on shore shall be liable to a penalty of twenty pounds.

Provision against evading Act by transhipping Chinese into other vessels.

8. Any vessel on board which immigrants shall be transhipped from another vessel and be brought to any port or place in this Colony shall be deemed to be a vessel bringing immigrants into the said Colony from parts beyond the said Colony and shall be subject to all the requirements and provisions of this Act, and all immigrants so transhipped and brought to such port or place shall be deemed to be immigrants arriving from parts beyond Victoria.

Burden of proof.

9. For the purposes of any proceeding taken under any of the provisions of this Act or the Act No. 259 the burden shall lie on the defendant of proving that he is exempt from the operation of any of such provisions, and it shall not be necessary in any information summons of conviction or other document to state or negative any exception in or exemption under the said Acts.

Regulations.

10. The Governor in Council may make such rules and regulations not inconsistent herewith as may be necessary for carrying out the provisions of this Act.

Amendment of section 10 of Act No. 259.

11. The tenth section of "The Chinese Immigrants "Statute 1865" shall be and is hereby amended as follows by adding after the last word in such section the words following:—"nor at any municipal or parliamen-"tary election (notwithstanding that such immigrant is "a ratepayer) unless such immigrant is a naturalized or "natural-born subject of Her Majesty."

Collectors town clerk or secretary to omit Chinese name from citizen burgess or voters' lists unless such Chinese be known to be a natural-born or naturalized subject. 6 Vict., No. 7, s. 15. No. 506, s. 77.

12. The collectors of the city of Melbourne and of the town of Geelong and the town clerk of every city and borough and the secretary of every shire shall when preparing the citizen burgess or voters' list for such city town borough or shire as the case may be omit therefrom the names of all immigrants who are not known to such collectors town clerk or secretary to be natural-born or naturalized subjects of Her Majesty Queen Victoria, and every such collector town clerk or secretary shall for such purpose decide upon his own belief or view or knowledge or judgment whether any ratepayer is or is not such an alien immigrant. To each and every immigrant so omitted from any such citizen burgess or voters' list every such collector town clerk or secretary shall send a notice in the form of the Schedule hereto or to the like effect. In any proceedings taken for the insertion of such immigrant's name upon the ratepayers' roll no costs shall be given against any such collector town clerk or secretary by reason of such omission.

Revision court to strike out alien Chinese. 6 Vict., No. 7 s. 17. No. 506, s. 80.

13. Every court for revising the citizen or burgess lists of the city of Melbourne or town of Geelong and every revision court of every municipal district shall expunge from the citizen burgess or voters' list as the case may be the names of all immigrants against whom objections shall have been lodged unless such immigrants prove to the satisfaction of the Court that they are natural-born or naturalized subjects of Her Majesty.

(iii.)—An Act to amend "The Factories and Shops Act, 1885." [17*th December* 1887.]

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Factories employing Chinese workmen open to inspection.

3. If not inconsistent with the context or subject matter, any office building or place in which Chinese are engaged directly or indirectly in working for hire or reward in any handicraft or in preparing or manufacturing articles for trade or sale shall be deemed a factory or workroom within the meaning of the principal Act and any Act for the time being in force amending it.

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2. *Queensland Acts prior to* 1888.

(i.)—An Act to regulate the Immigration of Chinese and to make provision against their becoming a charge upon the Colony. [*Assented to* 20*th August* 1877.]

Preamble.

WHEREAS it is expedient to regulate the immigration of Chinese into the Colony of Queensland and to obtain security for the payment of any expenses that may be incurred in respect of such immigrants and of any fines or penalties imposed upon them Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of Queensland in Parliament assembled and by the authority of the same as follows—

Interpretation.

1. For the purposes of this Act the following words in inverted commas shall unless the context otherwise indicate bear the meanings set against them respectively—

"Chinese"—Any native of the Chinese Empire or its dependencies not born of British parents.

"Vessel"—Any ship or other sea-going vessel of whatsoever kind or description.

"Master"—The person other than a pilot for the time being in actual command of any such vessel.

Master on arrival to give list of Chinese aboard.

2. The master of every vessel having Chinese on board shall immediately on his arrival from beyond the Colony in any port of the Colony and before making any entry at the Customs deliver to the collector or other principal officer of Customs a list of such Chinese specifying the name the place of birth the apparent age the ordinary place of residence the place and date of shipment and the calling or occupation of each such Chinese And for each default herein such master shall be liable to a penalty not exceeding two hundred pounds.

Number of Chinese ships may carry,

Penalty.

3. If any vessel shall arrive in any port in Queensland having on board a greater number of Chinese passengers than in the proportion of one to every ten tons of the tonnage of such vessel according to the registry thereof if British and if not then according to the measurement defined by "The Merchant Shipping Act 1854" the owner charterer or master of such vessel shall be liable on conviction to a penalty not exceeding ten pounds for each Chinese passenger so carried in excess.

Ten pounds to be paid for each Chinese arriving by vessel.

Penalty.

4. Before any Chinese arriving from beyond the Colony shall be permitted to land from any vessel and before making any entry at the Customs the master of the vessel shall pay to such collector or other principal officer the sum of ten pounds for every such Chinese to be applied in manner hereinafter provided and no entry shall be deemed to have been legally made or to have any legal effect until such payment shall have been made.

And if any master shall neglect to pay any such sum or shall land or permit to land any Chinese at any place in the Colony before such sum shall have been paid for or by him or before such list shall have been delivered such master shall be liable for every such offence to a penalty not exceeding twenty pounds for each Chinese so landed or permitted to land in addition to the amount of such sum.

Vessel forfeited.

And in every such case in addition to any such penalty the vessel shall be forfeited and may be seized condemned and disposed of in like manner as ships forfeited for a breach of any law relating to the Customs.

Like sum for Chinese arriving otherwise.

5. Every Chinese arriving in the Colony after the passing of this Act otherwise than by any vessel shall pay or have paid for him to some officer whom the Governor in Council may appoint at any places on or near the borders of the Colony or otherwise conveniently situate for that purpose a like sum of ten pounds.

Certificate of sum paid to be given to Chinese and to be evidence.

6. The Collector or other officer receiving such sum from or for any Chinese shall without demand forthwith give him a certificate in writing under his hand of the payment of such sum which certificate shall be in a form to be prescribed by the Governor in Council. And such certificate whensoever and wheresoever produced by such Chinese shall be conclusive evidence on behalf of himself and of any other person who may have paid such sum for him that such sum has been duly paid.

Mode of application of payments.

7. All sums so paid by or on behalf of any Chinese shall be paid over to the Colonial Treasurer and be by him applied in manner following that is to say—

If at any time within three years from the date of the landing or arrival of any Chinese in respect of whom such sums shall have been paid such Chinese shall depart from the Colony to parts beyond the seas and shall before his departure prove to the satisfaction of the Colonial Treasurer that during his residence in the Colony he has not been confined to any gaol or lock-up after conviction of any offence and that he has paid all fines and penalties imposed upon him under the provisions of any Act in force in the Colony and that he has paid all expenses incurred in respect of his confinement or medical treatment in any public hospital benevolent asylum lunatic asylum or other place for the care treatment or cure of the sick poor or insane and that no expense or charge has fallen upon the revenue for his support then upon production to the collector or other principal officer of Customs at the port of embarkation of the certificate given to such Chinese on his arrival the amount so paid in respect of such Chinese shall be repaid to him on board of the ship by which he shall so depart But if he shall fail to make such proof within the period aforesaid the amount shall be paid into the Consolidated Revenue.

Penalty on not paying or having had paid fee for entrance to the Colony.

8. If any Chinese shall enter or attempt to enter the Colony without paying or having paid for him the sum of ten pounds aforesaid he shall besides such sum be liable to a penalty not exceeding ten pounds and may be apprehended and taken before any justice of the peace who may take sufficient bail for his appearance at the next court of petty sessions or remand him to such court as to such justice shall seem fit unless and until such Chinese shall produce a certificate of payment as aforesaid.

Evidence of person being a Chinese.

9. At the hearing of any prosecution under this Act the justices may decide upon their own view and judgment whether any person charged or produced before them is a Chinese within the meaning of this Act.

Certificate of exemption may be granted in certain cases.

10. It shall be lawful for the Colonial Treasurer or any person authorised by him upon the application of any Chinese and upon being satisfied that such Chinese was at the time of the passing of this Act a *bonâ fide* resident of the Colony and that he desires to be absent therefrom for a temporary purpose only to grant to such Chinese a certificate that he is exempt from the provisions of this Act for a time to be specified in such certificate and during the time so specified the holder of such certificate shall be exempt from all payments under this Act.

Act not to apply to crew.

11. The sum of ten pounds aforesaid shall not be payable by or in respect of any Chinese who is one of the crew of any vessel unless he shall land from such vessel.

Penalties how recovered.

12. All penalties and forfeitures imposed by this Act shall be sued for prosecuted and recovered in the name of some officer of Customs or other person thereunto authorised by the Governor in Council.

Short title.

13. This Act shall be styled and may be cited as "The Chinese Immigrants Regulation Act of 1877."

(ii.)—An Act to amend "The Chinese Immigrants Regulation Act of 1877." [*Assented to 10th March* 1884.]

Preamble.

WHEREAS it is desirable to make more effectual provision for restricting the immigration of Chinese into the Colony of Queensland: Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

Act to be read with 41 Vict., No. 8.

1. This Act shall be read and construed with and as an amendment of "The Chinese Immigrants Regulation Act of 1877," hereinafter called the principal Act.

Repeal of ss. 3, 6, and 7 of principal Act.

2. The third, sixth, and seventh sections of the principal Act are hereby repealed: But such repeal shall not affect the liability of any person to any penalty for the violation of any of the provisions of the said sections, or the right of any Chinese already arrived in the Colony to the repayment to him of the sum of ten pounds upon fulfilment of the conditions in the said seventh section specified.

Ships not to carry more than one Chinese passenger for every fifty tons register.

3. If any vessel shall arrive at any port in Queensland having on board a greater number of Chinese passengers than in the proportion of one to every fifty tons of the tonnage of such vessel, according to the registry thereof if British, and if not, then according to the measurement defined by "The Merchant Shipping Act 1854," the owner, charterer, and master of such vessel shall each be liable, on conviction, to a penalty not exceeding thirty pounds for each Chinese passenger so carried in excess.

Thirty pounds to be paid for each Chinese arriving in Colony.

4. The sum to be paid in respect of every Chinese arriving from beyond the Colony shall be thirty pounds instead of ten pounds as heretofore.

The penalty for entering or attempting to enter the Colony without payment of such sum shall be thirty pounds instead of not exceeding ten pounds as heretofore:

And the fourth, fifth, eighth, and eleventh sections of the principal Act shall be read as if the sum of thirty

pounds had been mentioned therein respectively instead of the sum of ten pounds, or twenty pounds, wherever either of those sums is now therein mentioned.

Money to be paid into Consolidated Revenue

5. All sums paid by or on behalf of any Chinese upon entering the Colony shall be paid into the Consolidated Revenue.

Recovery of penalties.

6. All pecuniary penalties imposed by the principal Act or this Act may be recovered in a summary way before two justices of the peace.

Short title.

7. This Act may be cited as "The Chinese Immigrants Regulation Act Amendment Act of 1884," and shall commence and take effect at the expiration of thirty days from the signification of the Royal Assent thereto.

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3. *New South Wales Act.*

An Act to repeal the "Influx of Chinese Restriction Act of 1881"; to provide for the protection of the Colony from the disturbances and national dangers of Chinese immigration, to provide specially for the regulation of Chinese at present resident within the Colony, and to indemnify the Government for all acts done by Executive or Ministerial authority in relation to Chinese immigrants, or vessels carrying such immigrants, since the first day of May, one thousand eight hundred and eighty-eight. [Assented to 11th July 1888.]

Preamble.

WHEREAS it is expedient to provide for the protection of the Colony of New South Wales from the disturbances and national dangers which may arise from the influx of Chinese under restrictions hitherto existing, and also to provide for the regulation of Chinese resident within the said Colony: And whereas it is just and expedient to indemnify the Executive Government for all acts done by any member thereof in relation to Chinese immigrants, or any ship carrying such immigrants, since the first day of May, one thousand eight hundred and eighty-eight: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Repeal of 45 Vic. No. 11.

1. The Act, entitled "An Act to Restrict the Influx of Chinese into New South Wales," forty-fifth Victoria number eleven, is hereby repealed. But the repeal hereby enacted shall not affect the past operation of the said Act, or the rights of any Chinese resident in this Colony at the time of the passing of this Act, or any offence committed, penalty incurred, or proceeding taken under or pursuant to the said repealed Act before the passing of this Act.

Members of Government indemnified.

2. All Members of the Executive Government, or any Member thereof, and all persons duly authorised by the said Executive Government, or any Member thereof in that behalf who may have committed any act in preventing the landing of Chinese, or otherwise in relation to Chinese immigrants, or to vessels carrying such immigrants since the first day of May, one thousand eight hundred and eighty-eight, are hereby fully indemnified, and shall in all Courts of Law in New South Wales and elsewhere be held harmless in respect thereof. Provided that nothing in this Act shall be taken to deprive any person or corporation whatsoever of any right or cause of action against the Government of New South Wales which, by reason of any such acts, exists or shall have accrued before the passing of this Act.

Proviso.

Naturalization of Chinese not allowed. Chinese leaving Colony to be subject on returning to provisions of Act.

3. After the passing of this Act no certificate of naturalisation shall be issued to any Chinese on any ground whatever, and all Chinese leaving the Colony except those who have been naturalized therein shall on returning be subject to all the provisions of this Act.

Master on arrival to give list of Chinese on board.

4. The master of every vessel upon arrival at any port or place in this Colony from parts beyond the Colony having Chinese on board shall, before making any entry at the customs, deliver to the Collector, or other principal officer of the Customs, a list of such Chinese, specifying to the best of his knowledge the name, the place of birth, the apparent age, the ordinary place of residence, the place and date of shipment, and the calling or occupation of each such Chinese, under a penalty for not delivering such list not exceeding two hundred pounds.

Number of Chinese to be brought to Colony by vessel.

5. If any vessel having on board a greater number of Chinese than in the proportion of one Chinese to every three hundred tons of the tonnage of such vessel shall arrive at any time in any port in this Colony, the owner, master, or charterer of such vessel shall be liable on conviction to a penalty of five hundred pounds for each Chinese carried in excess of the foregoing limitation unless the defendant shall show that the Chinese so carried is by birth a British subject or one of the crew, or has not been landed in the Colony, and is not intended to be so landed, or who shall prove to the satisfaction of the Collector of Customs or other duly authorised officer, that he is the *bonâ fide* holder of a certificate of naturalization in New South Wales, or of an exemption certificate duly granted under the provisions of the "Influx of Chinese Restriction Act of 1881." For the purposes of this Act the tonnage of a vessel shall be ascertained (if she be a British ship) by her certificate of registry, and, if not, or if the said certificate shall not be produced, then according to the rules of measurement prescribed by the "Merchant Shipping Act, 1854," being the Act of the Imperial Legislature seventeenth and eighteenth Victoria, chapter one hundred and four.

Penalty.

One hundred pounds to be paid for each Chinese arriving in vessel.

6. Before any Chinese arriving from parts beyond this Colony shall be permitted to land from any vessel at any port or place in the said Colony, and before making any entry at the Customs, the master of the vessel by which such Chinese shall so arrive shall pay to the said Collector or other principal officer the sum of one hundred pounds for every such Chinese, and no entry shall be deemed to have any legal effect until such payment shall have been made, and such Chinese for whom such sum has been paid shall receive from the said Collector or other principal officer a certificate to that effect. And if any master shall neglect to pay any such sum or shall land, or permit to land, or suffer to land, or to escape from such vessel at any port or place in the said Colony any Chinese before such sum shall have been paid by such master or his agent, or before such list shall have been delivered, such master shall be liable for every such offence to a penalty of five hundred pounds for each Chinese so landed, or permitted, or suffered to land, or to escape, and in addition to such penalty shall also pay the sum hereby required to be paid for each such Chinese.

Penalty.

The like sum to be paid for Chinese arriving otherwise than by vessel.

7. Every Chinese arriving in this Colony after the passing of this Act, otherwise than by a vessel shall pay, or there shall be paid for him, to some officer whom and at such places as the Governor, with the advice of the Executive Council, may appoint at, on, or near the borders of the Colony, or otherwise conveniently situated for that purpose, the sum of one hundred pounds.

Penalty on not paying or having had paid for entrance to the Colony.

8. If any Chinese shall enter or attempt to enter this Colony who shall not have paid or had paid for him the said sum of one hundred pounds, he shall be liable to a penalty of fifty pounds, and to the payment in addition thereto of the said sum of one hundred pounds required to be paid by section six hereof, and on default of payment of such penalty and sum shall be liable to imprisonment for two years, unless such penalty and sum be sooner paid, and may be apprehended and taken before any Justice of the Peace to be dealt with in due course of law.

Appropriation of penalties and payments under Act

9. All penalties and all moneys ordered to be paid or being the proceeds of any sale made under the authority of this Act shall be paid into the Consolidated Revenue.

Evidence person being a Chinese.

10. For the purposes of all proceedings under this Act, the Stipendiary or Police Magistrate or the Justices may decide, upon his or their own view and judgment, whether any person produced before them is a Chinese within the meaning of this Act.

Not to be allowed to engage in mining.

11. No Chinese who shall arrive in this Colony after the passing of this Act shall be permitted to engage in the work of any gold, silver, or other mine, or in any mining pursuit whatever, without express authority under the hand and seal of the Minister in charge of the Department of Mines.

Exemption of certain officials, &c.

12. The provisions of this Act shall not be applicable to any Chinese duly accredited to this Colony by the Government of China, or by or under the authority of the Imperial Government on any special mission.

Exemption of crews.

13. The penalties and restrictions imposed by this Act shall not, nor shall any of them, be held to be applicable in respect of any Chinese being one of the crew of any vessel arriving in any port in New South Wales, and who shall not be discharged therefrom or land, except in the performance of his duties in connection with such vessel.

Penalties how recovered.

14. All penalties and sums of money recoverable under this Act shall be recovered in a summary way at the suit of some officer of Customs authorised by the Colonial Treasurer, or of other officers appointed for such purpose, by like authority before any Stipendiary or Police Magistrate or two or more Justices of the Peace, in accordance with the provisions of the Acts regulating proceedings on summary conviction. And it shall be lawful for the Colonial Treasurer, by writing under his hand, to authorise any officer to detain any vessel, the master whereof shall, in the opinion of the Treasurer, have committed an offence, or be a defaulter under this Act. Such detention may be either at the port or place where such vessel is found, or at any port or place to which the said Treasurer may order such vessel to be brought. For the purposes of such detention the officer so authorised shall be entitled to obtain in the customary manner such writ of assistance or other aid and assistance in and about the detention of or other lawful dealing with such vessel as are by law provided under the Act or Acts regulating Customs with reference to seizure of vessels or goods. But such detention shall be for safe custody only, and shall cease and be discontinued if a bond with two sufficient sureties be given by such master for the payment of the amount of such penalty and others sums as may be adjudged to be paid under the provisions of this Act. Provided that if default be made in payment of any such penalty incurred by such master in terms of any conviction adjudging the payment thereof it shall be lawful for such officer to seize such vessel and for him and any other officer or person duly authorised or empowered in that behalf to take all such proceedings for the purpose of procuring the condemnation and sale of such vessel as are provided by law in case of condemnation or forfeiture of a vessel for a breach of the Customs Laws of the said Colony. Provided that the proceeds of sale of any such vessel shall be paid into the Consolidated Revenue, and after payment of the amount of such penalty and of all costs incurred in and about such sale and the proceedings leading thereto, the balance shall be placed by the Colonial Treasurer to a trust account, and be held in trust for the owners of or other persons lawfully entitled to the vessel so condemned and sold.

Exemption of Chinese who are British subjects.

15. Notwithstanding anything in this Act contained, any Chinese arriving in the Colony who produces evidence to the Collector of Customs or other duly authorised officer that he is by birth a British subject shall be wholly exempt from the operation of this Act, and a certificate of the Governor of any British Colony or of a British Consul shall be sufficient evidence of the claim of such Chinese to exemption under this section, nor shall anything in this Act apply to any Chinese who shall prove to the satisfaction of the Collector of Customs, or other duly authorised officer, that he is the *bonâ fide* holder of a certificate of naturalisation in New South Wales, or of an exemption certificate duly granted under the provisions of the "Influx of Chinese Restriction Act of 1881."

Provision against evading Act by transhipping Chinese into other vessels.

16. Any vessel on board which Chinese shall be transhipped from another vessel and be brought to any port or place in this Colony shall be deemed to be a vessel bringing Chinese into the said Colony from parts beyond the said Colony, and shall be subject to the provisions of this Act.

Power to make regulations.

17. The Governor, with the advice of the Executive Council, may make regulations for carrying out the provisions of this Act. A copy of such regulations shall, within fourteen days, be laid before both Houses of Parliament, if Parliament be then in Session, and if not then in Session, within fourteen days after the commencement of the next Session; and if disapproval of such regulations is not expressed by resolution within fourteen days thereafter, they shall have the force of law.

Interpretations.

18. For the purposes of this Act the following words in inverted commas shall, unless the context otherwise indicate, bear the meanings set against them respectively:—

"Chinese," any person of the Chinese race.

"Vessel," any ship or vessel of whatsoever kind or description.

"Master," the person (other than a pilot) for the time being in actual command or charge of any vessel.

Short title.

19. This Act may be cited as the "Chinese Restriction and Regulation Act of 1888."

In the name and on behalf of Her Majesty I assent to this Act, without prejudice to Her Majesty's power of disallowance, should she see fit to exercise the same.

Government House, Sydney, 11 July 1888. *Carrington.*

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4. *Queensland Act of* 1890.

An Act for the further Restriction of Chinese Immigration.

[*Reserved. Her Majesty's Assent Proclaimed 5th February,* 1890.]

Preamble.

WHEREAS at a meeting of representatives of Australasian Governments, held at Sydney in the month o June, one thousand eight hundred and eighty-eight, it was amongst other things resolved that it is desirable that uniform Australasian legislation should be adopted for the restriction of Chinese immigration: And whereas the provisions of this Act were approved of by such representatives as the basis of such uniform legislation: And whereas it it desirable to legislate on such basis accordingly: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

Interpretation.

1. In the construction of this Act the following words shall have the following meanings:—

"Chinese" shall include every person of Chinese race not exempted from the provisions of this Act;

"Ship" shall include every steamer, ship, boat, or other vessel, whether propelled by steam or sails or by both;

"Master" shall include every person, other than a pilot, for the time being in command or charge of any ship;

"Collector"—The Collector or Sub-collector of Customs or other officer of Customs at any port.

Repeal of 41 Vic. No. 8 and 47 Vic. No. 13.

2. "The Chinese Immigrants Regulation Act of 1877" and "The Chinese Immigrants Regulation Act Amendment Act of 1884" are hereby repealed, but such repeal shall not affect any act or thing lawfully done, or commenced or contracted to be done, under the provisions of such repealed Acts: Provided that any offence already committed, or any penalties or forfeitures already incurred, may be punishable and recoverable under the said Acts as if the same had not been repealed.

Exemptions.

3. This Act shall not apply—

(1.) To any person duly accredited to any Australasian Colony as the representative of, or on any special mission from, any Government;

(2.) To any person born in Queensland;

(3.) To any person, or any class of persons, who for the time being are exempted from the provisions hereof.

Exemptions to be declared by proclamation.

4. It shall be lawful for the Governor in Council from time to time, by proclamation published in the "Gazette," to declare that the provisions of this Act shall not apply to any person or any class of persons mentioned in such proclamation, either generally or for any time fixed by such proclamation.

Any such proclamation may be revoked by the Governor in Council by proclamation published in the "Gazette."

Number of Chinese restricted to one for every 500 tons of ship's registered tonnage.

5. No ship shall enter any port or place in the Colony having on board a greater number of Chinese passengers than in the proportion of one Chinese to every five hundred tons of the tonnage of such ship.

The tonnage shall, if the ship be of British registry,

be ascertained by her certificate of registry, and if otherwise, or if such certificate be not produced, then according to the rules of measurement provided by "The Merchant Shipping Act, 1854."

If any ship enters any port or place in the Colony, having on board any Chinese passengers in excess of such number, the owner, master, or charterer of the ship shall, on conviction, be liable to a penalty of five hundred pounds, the amount whereof shall not be reduced by the justices, for each Chinese passenger in excess of such number; and in default of payment shall be liable to be imprisoned, with or without hard labour, for the period of twelve months.

Master of ship arriving with Chinese to report to Customs.

6. Before any person shall be permitted to land from any ship arriving at any port or place in this Colony from parts beyond the Colony, and having any Chinese on board, and before making any entry at the Customs, the master shall deliver to the Collector a list showing the number and names of all the Chinese on board such ship, including the crew of the ship.

In this list shall be clearly stated the place of shipment and the destination, and the calling or occupation of each such Chinese, distinguishing crew, passengers, and stowaways (if any), and for the purposes of this Act any stowaway being a Chinese shall be deemed to be a Chinese passenger.

The master on delivery of the list shall, if required by the Collector, produce the ship's articles, and muster the whole of the crew and passengers of the ship for examination by the Collector, and it shall be lawful for the Collector to search or cause a search to be made in every part of such ship with the view of ascertaining whether any Chinese have been introduced contrary to the provisions of this Act; and the master of every ship shall afford to the Collector every facility for making the search.

For any default in the observance of the provisions of this section the master shall on conviction be liable to a penalty of one hundred pounds.

Master to muster crew before clearance.

7. The master of every ship arriving in any port of the Colony having Chinese on board such ship shall, before being permitted to clear from such port, cause the whole of the Chinese crew and passengers of the ship to be mustered in the presence of the Collector or any Police officer.

The names and number of the crew present at such muster shall be carefully checked with the names and number appearing on the ship's articles, and on the list hereinbefore required to be delivered by the master to the Collector on arrival.

If, on mustering the Chinese Crew on board of any ship before clearance, it be found that any Chinese who arrived at the port, and who formed part of the crew of the ship, is not present at such muster, every Chinese so absent shall be deemed to be a Chinese passenger who has been introduced into the Colony contrary to the provisions of this Act, and the owner, master, or charterer of the ship, to the crew of which any such Chinese so belonged, shall be liable to the penalty provided in this Act for bringing to the Colony Chinese passengers in excess of the number which by this Act may lawfully be brought.

Penalty for unauthorised landing.

8. Any Chinese who enters the Colony by water, otherwise than by a ship duly entered at the Customs, and not having on board a greater number of Chinese passengers than in the proportion of one Chinese to every five hundred tons of the tonnage of such ship, shall be liable to a penalty of fifty pounds, the amount whereof shall not be reduced by the justices, and in default of payment shall be liable to be imprisoned, with or without hard labour, for the period of six months.

Chinese entering Colony borderwise.

9. Any Chinese who enters this Colony by land without obtaining a permit in writing from some person appointed by the Governor in Council to grant the same, shall be liable to a penalty of fifty pounds, the amount whereof shall not be reduced by the justices, and in default of payment shall be liable to be imprisoned, with or without hard labour, for the period of six months, and shall further be liable, pursuant to any warrant or order of the justices, to be removed or deported to the Colony from which he has come.

Penalty to remain due till paid.

10. Proceedings for the recovery of a penalty for an offence against the provisions of either of the two last preceding sections may be taken from time to time, and as often as may be necessary, and notwithstanding that a period of six months may have elapsed from the commission of the offence, until the whole amount penalty is paid. And, until such payment, it shall not be an answer to proceedings for the recovery of the penalty or any unpaid portion thereof that the defendant has already been convicted of the same offence, or that he has suffered imprisonment for default of payment of the penalty or any part thereof.

Ship transhipping Chinese from any other ship.

11. Every ship, on board of which Chinese are transhipped from any other ship and brought to any port or place in this Colony, shall be deemed to be a ship bringing Chinese into the Colony from parts beyond the Colony, and shall be subject to the provisions of this Act.

Treasurer may order detention of ship.

12. The Colonial Treasurer may, by writing under his hand, authorise the Collector or any officer of Police to detain any ship, the master whereof has, in the opinion of the Colonial Treasurer, committed an offence or is a defaulter under this Act. Such detention may be either at the port or place where the ship is found, or at any port or place to which the Colonial Treasurer may order the ship to be brought.

Officer detaining ship may obtain writ of assistance.

For the purposes of such detention, the Collector or officer so authorised, shall be entitled to obtain in the customary manner, such writ of assistance or other aid and assistance, in and about the detention of, or other lawful dealing with such ship, as are by law provided under the Act or Acts regulating Customs with reference to seizure of ships or goods.

Ship may be delivered up on master entering into bond

Such detention shall be for safe custody only, and shall cease and be discontinued if a bond with two sufficient sureties be given by the master for the payment of the amount of such penalty and other sums as may be adjudged to be paid under the provisions of this Act.

Ship may be sold in default of payment of penalty.

Provided that if default be made in payment of the penalty incurred by the master in terms of any conviction adjudging the payment thereof, it shall be lawful for the Collector or such officer of Police to seize the ship, and for him and any other officer or person duly authorised or empowered in that behalf, to take all such proceedings for procuring the condemnation and sale of the ship as by law are provided for the condemnation or forfeiture of a ship for a breach of the Customs laws of the Colony.

Proceeds of sale of ship to be paid to Consolidated Revenue.

The proceeds of the sale of any ship so condemned shall be paid into the Consolidated Revenue, and, after payment of the amount of the penalty and of all costs incurred in and about such sale and the proceedings leading thereto, the balance shall be placed by the Colonial Treasurer to a trust account, and be held in trust for the owners of the ship or other persons lawfully entitled thereto.

Governor in Council may make regulations.

13. The Governor in Council may make regulations for carrying out the provisions of this Act.

A copy of such regulations shall, within fourteen days thereafter, be laid before both Houses of Parliament if Parliament be then in Session, and if not then in Session, within fourteen days after the commencement of the next Session.

If disapproval of such regulations is not expressed by resolution of the Legislative Council or Legislative Assembly within fourteen days thereafter, they shall, after publication in the "*Gazette*," have the force of law.

Proof of persons being Chinese.

14. For the purposes of any proceedings under this Act, the justices adjudicating may decide, upon their own view and judgment, whether any person produced before them is a Chinese within the meaning of this Act, or not; and the averment in any information or other proceedings for a breach of this Act that a person named or referred to therein is a Chinese, shall be sufficient proof thereof until the contrary be shown.

Penalties how recoverable.

15. All penalties and forfeitures imposed for breaches of the provisions of this Act shall be recovered in a summary way before any two or more justices of the peace at the suit of some officer of Customs or other person authorised by the Colonial Treasurer to sue for the same.

Disposal of penalties.

16. All penalties and all moneys ordered to be paid, or being the proceeds of any sale made under the authority of this Act, shall be paid into the Consolidated Revenue of the Colony.

17. This Act may be cited for all purposes as "The Chinese Immigration Restriction Act, 1888."

(c.) *Native Labour in Natal.*

(i.) Law to facilitate the obtaining of labour, 1871.

Preamble.

WHEREAS it is expedient that Masters and Servants should have greater facilities for entering into contracts with each other, that servants should have better opportunities for obtaining employment, and that when more servants are wanted they may be obtained from neighbouring countries, and for that purpose to repeal a portion of Law No. 13, 1859, and make suitable provisions in this law.

BE IT THEREFORE ENACTED, by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:—

Repeal of Law 13, 1859, as to overland introduction of labourers.

1. That Law No. 13, 1859, shall be, and the same is hereby repealed, as far as regards the introduction of labourers overland.

Employer's bonus to labourer (where agreed to be paid) to be received by officer attesting contract,

2. When and so often as it shall be stipulated as a condition of any contract of service, that any sum of money shall be paid as a bonus by the employer to any labourer before, or at the time of, signing the contract of service, the Resident Magistrate or other officer empowered thereto shall be required to receive on account of such labourer, such sum of money, or such part thereof, as he may be requested by the contracting parties to receive. All such contracts shall be duly registered by the Resident Magistrate or other officer as aforesaid in a book to be kept for that purpose.

and deposited in Government Savings Bank.

3. All such sums of money so received as aforesaid shall be deposited with the Resident Magistrate of the district, and be paid by him into the Government Savings Bank, to be invested at interest, for the purpose hereinafter mentioned.

On completion of service to be paid over to servant,

4. That on the expiration of the term of the said contract, the Resident Magistrate shall, on the application of the servant, pay over to him the amount of the bonus, with interest then due thereon, provided no objection thereto shall have been previously given, in

failing objection by master.

writing, to the Resident Magistrate by the said master.

In event of disputes between master and servant, the Resident Magistrate may decide as to awarding bonus.

5. If any dispute should arise between the said master and the said servant, and such dispute be referred to the Resident Magistrate for adjudication thereon, and if the Resident Magistrate should annul the contract of service, or if, at the expiration of the contract time, the master should object to the servant receiving the bonus and interest as aforesaid, the Resident Magistrate shall decide whether the said sum of money and interest, or how much thereof, if any, shall be paid to the said servant; and whatever amount is not paid to the said servant shall forthwith be paid to the said master: Provided that the receipt of such money by the said master shall not in any way interfere with his right of action at law for damages caused by breach of contract.

Requisitions for servants may be made to Resident Magistrate,

6. That any person in want of servants may make application, in writing, to the Resident Magistrate of the district in which such person resides, and such application shall state what number of servants are required by such person, for what period, and at what rate of wages he wishes to hire them: And the Resident Magistrate shall enter such application in a book to be kept for that purpose.

who shall inform natives.

7. On receipt of any such application by any Resident Magistrate, he shall take sufficient steps to inform the natives residing in his district that they can obtain employment on making application at his office.

Servants' applications to be entered.

8. That when a servant makes application for employment to a Resident Magistrate, such application shall be entered by the Resident Magistrate in a book to be kept for that purpose: And the Resident Magistrate shall cause the said servant to be told the names of the persons who have made application for servants, and the conditions on which such persons wish to engage servants.

Labour Returns.

9. That returns shall be sent, on the first day of each month, or as near thereto as possible, by the Resident Magistrates to the Colonial Secretary, stating the number of servants who have applied for masters and the number of masters who have applied for servants, and, stating also how many masters and servants have entered into contracts during the month.

Where demand and supply unequal at more than one magistracy, statement to be published.

10. Should such return show that the applicants for labour or for servants are in excess of the supply at more than one of the Resident Magistrates' offices, the Colonial Secretary shall forthwith publish in the "Government Gazette," and in each of the newspapers, a statement showing at which of the Resident Magistrates' offices such excess exists, and to what extent, and each Resident Magistrate shall on application supply to masters and servants all information in his possession respecting such excess of applications for labour or for servants, as the case may be.

In event of considerable deficiency of servants arising, Lieut. Governor to introduce servants from beyond the Colony,

11. When the returns from the Resident Magistrates show a considerable deficiency of servants, it shall and may be lawful for the Lieutenant Governor to introduce the required number of servants from the countries beyond the borders of the Colony, and provide for the return of such servants to their respective countries, provided such servants shall have worked not less than one year in Natal.

and previously publicly notify his intention of so doing.

12. One calendar month before sending for such servants the Lieutenant Governor shall cause to be announced, once in the "Government Gazette," and once in all the local newspapers, his intention to send for such servants.

Special applications to be received and registered.

13. That special application may be made to the Resident Magistrate by such employers as wish to have such servants sent for as before provided, such applications to be made by form, as in Schedule A., hereunto annexed; and it shall not be lawful for the Resident Magistrate to register such application unless he receives therewith a sum of ten shillings for each servant applied for in such application, which sum may be expended in the introduction of such servants, but such sum, or any portion thereof, not being so expended, shall be, within six months from the time of such application, returned to the said applicant.

Applicant to sign undertaking to pay expense of introduction.

14. Before any of the said applications are complied with the said master making such applications shall sign an undertaking, in the form provided in Schedule B., hereunto annexed.

Lieut. Governor may grant license to approved persons to introduce labourers overland.

15. It shall, and may be, lawful for the Lieutenant Governor to grant a license, free of charge, to such persons as he may approve, to introduce labourers overland from countries beyond the borders of the Colony, on application being made to the Secretary for Native affairs to that effect, and such license shall state the rate of wages to be given. Any person so introducing labourers from beyond the borders of the colony, without such written permission, shall be liable, on conviction, to a penalty not exceeding £50, or, in default thereof, to imprisonment for a period not exceeding four months.

Labourers to be deemed servants of introducer, until they have contracted with other persons.

16. Any labourers introduced into the Colony under the license of the Lieutenant-Governor shall, as soon as they have entered the Colony, and until they shall have entered into contracts of service in manner hereafter provided, be considered the servants of persons so introducing them, and shall come under the provisions of Ordinance No. 2, 1850, except as affected by the provisions of this law.

Resident Magistrate to supply messengers for safe conduct of labourers to destined Magistracy.

17. Each person so introducing such labourers shall proceed to the office of the nearest Resident Magistrate, who, on the application of such person, shall furnish, at the expense of such applicant as many native messengers as may be deemed necessary for the safe conduct of such labourers to the office of the Resident Magistrate of the county in which their services are required, and such labourers may enter into a contract of service with the person for whom they have been introduced under Ordinance No. 2, 1850, before the Resident Magistrate last mentioned.

Sections 16 and 17 applicable to labourers introduced by Government overland.

18. The two last preceding clauses shall also apply to labourers when introduced overland by the Government.

Person introducing immigrants to receive compensation, if they enter into contract with some other person.

19. If any labourer or labourers, after being brought to the office of the Resident Magistrate of the district in which his or their labour is required, should choose to enter into the service of any employer other than those who agreed with the agent for their introduction, such employer shall be bound to pay to the aforesaid agent such cost of introduction as shall have been previously agreed upon, and in addition, ten per cent. upon such

cost, to be paid to the person or persons who agreed with the agent for the introduction of such labourer or labourers but have not obtained the number or proportion agreed upon.

Contracts to supply native labour in lieu of land rent, requisites of.

20. And whereas it is further necessary to provide for the regulation of cases in which labour is agreed to be supplied in lieu of rent by natives residing on lands, the private property of any individual, that when and so often as a contract is entered into to supply other labour than that of the contractor, or in addition to the labour of the contractor, the number of servants to be supplied, the time during which each servant is to be employed, the amount of wages to be paid to each servant, and whether rations are to be given to each servant, shall be specified in such contract, and it shall be lawful for a Resident Magistrate to attest such contracts, but the attestation of a Resident Magistrate shall not be necessary to the validity of such contract, or for the validity of any other contract mentioned or contemplated by this law, but the person contracting to employ the labour specified in any such contract shall, in the absence of such attestation, be held responsible for reasonable proof that the contract was fully and correctly explained to the other contracting party.

Wages thereunder to be paid to the labourers unless otherwise agreed.

21. All wages agreed to be paid by contracts under this law shall be paid to the servant actually working, unless otherwise provided in the contract.

Liability of person to whom labour is to be given thereunder defined.

22. Any person contracting for a supply of labour as provided for in clause 20 of this law shall be liable for the whole of the wages he may have contracted to pay, and rations he may have contracted to supply, notwithstanding he may not employ the whole or any part of the labour mentioned in the contract, but should any servant neglect or refuse to offer his or her services at the time specified in the contract, or should be willing to engage him or herself to any other employer, such person shall not be liable to employ or pay wages or supply rations to such servant.

Liability of persons contracting to supply such labour defined.

23. The person or persons contracting to supply labour shall be liable for all damages caused by his or their failing to supply the number or class of servants mentioned in such contract at the time specified therein.

Action for damages under said contracts, when and how instituted.

24. Any action for damages instituted by or on behalf of either of the said contracting parties, in respect of any breach of such contract, shall be instituted and tried in the Court of the Resident Magistrate having jurisdiction, but such action shall not be sustained unless it is commenced within three calendar months from the date when the cause of action arose.

Such damages against contractors recoverable as rent, to extent of £10.

25. Whenever a contract to supply labour shall be accepted by the owner or occupier of land, in whole or in part, as rent for the use of land by the person contracting to supply such labour, and when damages shall have been awarded, and when the sum so awarded shall not exceed ten pounds sterling, the said sum shall be considered rent and be recoverable as such, and when the sum so awarded shall exceed ten pounds, that amount only shall be considered rent, and the balance may be recovered in the usual way.

Duration of verbal and written contracts respectively.

26. Verbal contracts of service or to supply labour shall not be binding for a longer period than one year, and written contracts of service or to supply labour for a longer period than three years.

Illegal clauses not to vitiate contract.

27. Should one or more of the stipulations of any contract entered into for the supply of labour be judged illegal, the remaining clauses thereof shall not be thereby invalidated.

Disputes between natives thereunder triable under Native Law.

28. Any dispute arising between native and native, with reference to any such contract, and brought before a Resident Magistrate, shall be adjudicated upon by such Resident Magistrate in his capacity as Administrator of Native Law, and not otherwise, and such adjudication shall not be liable to review, except before the Supreme Chief.

Construction of this law as regards existing laws.

29. The provisions of this law shall have full force and effect, anything in Ordinance No. 2, 1850, in Ordinance No. 13, 1852, in Ordinance No. 4, 1855, in Law No. 18, 1862, and in Law No. 23, 1865, to the contrary notwithstanding.

Governor in Council may make Rules.

30. The Lieutenant Governor in Council shall have power to pass, and publish in the "Government Gazette," and from time to time to alter, amend, vary, or annul regulations for carrying out the provisions of this law, which regulations shall, after such publication, have the same force and effect as if verbatim embodied in this law.

Interpretation clause.

31. The term "Magistrate" occurring in this law shall mean the Resident Magistrate or Assistant Resident Magistrate and no other, and the term "officer" shall mean any person appointed by the Lieutenant Governor for the purposes of this law.

Commencement of law.

32. This law shall commence and take effect from and after the promulgation thereof in the "Government Gazette."

No. 21, 1888.

(Signed) *A. E. Havelock*, Governor.

(ii.) Law to facilitate the Registration of Native Servants.

Preamble.

WHEREAS it is desirable to assist the Town Councils of the Boroughs of Pietermaritzburg and Durban to effect a registration of Native Servants and Servants belonging to Uncivilised Races within the said Boroughs.

BE IT THEREFORE ENACTED by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:—

Interpretation.

1. In construing this law the term "Native" shall mean a Native as defined in the Law No. 14, 1888. The term "Uncivilised Races" shall include all barbarous or semi-barbarous races, and all Indians introduced into this Colony as indentured labourers, but who shall not at the time being be serving under such indenture or a renewal thereof.

Town Councils of Pietermaritzburg and Durban may establish a system of registration of servants.

2. The Town Councils of the Boroughs of Pietermaritzburg and Durban, constituted under Law No. 19, 1872, shall be and the same are hereby authorised to establish a system of registration of Natives, or persons belonging to uncivilised races, resident, and employed by the day or month, or any longer period, or seeking employment, within their respective boroughs.

Such system to be by Bye-laws.

3. Such system of registration shall be by Bye-laws, to be made and confirmed as other Bye-laws of the said Boroughs, under the provisions of the "Municipal Corporations Law, 1872."

Penalty for contravening Bye-laws.

4. Any person contravening any of the Bye-laws made under the provisions of this law shall be liable to pay a fine not exceeding £2, or in default of payment to be imprisoned with or without hard labour for any period not exeeding two months.

Prosecution.

5. All prosecutions for any such contraventions may be instituted before the Magistrate having jurisdiction in such Borough, by or on behalf of the Town Council.

Arrest of offenders.

6. The police or other proper officers of the Borough are hereby empowered summarily to arrest all persons contravening any of the said bye-laws, and to lodge them in the station-house of the Borough for the purpose of being brought to trial at the first available opportunity, such period not to exceed 24 hours: Provided that it shall be lawful for such police or other officers to release any person from such custody upon reasonable bail to appear and answer to the charge to be brought against him.

Charge for entry in register.

7. Provision may be made by the said Bye-laws for such a reasonable charge for each entry in the register as shall be approved by the Governor in Council.

Contracts between masters and servants may be registered.

8. Provision may be made by the said Bye-laws for the registration of contracts between masters and servants who may wish to register such contracts.

Penalty for employing servants not provided with registration ticket.

9. Any person residing where this law is in operation, employing a Native, or person belonging to any uncivilised race, not provided with a registration ticket, shall be liable to a fine not exceeding £2, or in default of payment to imprisonment for seven days.

Fines and penalties to form part of the borough revenues.

10. All fines and money penalties taken under the provisions of this law shall form a portion of the revenues of the respective boroughs.

Cost of maintaining offenders in prison to be defrayed by Corporation.

11. The cost of maintaining in prison any person imprisoned under the provisions of the fourth section of this law shall be defrayed by the respective Corporations.

This Law not to apply to European servants or servants European descent.

12. None of the provisions of this law shall apply to European servants or servants of European descent.

Given at Government House, Natal, this Twenty-fourth day of October, 1888.

By command of His Excellency the Governor,

(Signed) *F. S. Haden.*
Colonial Secretary.

(d.) Kanaka Labour in New Zealand.

(i.) An Act to make provision for Regulating and Controlling the Introduction and Treatment of Labourers from the Pacific Islands.

[*Assented to 18th November*, 1880.]

Preamble.

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Queensland in Parliament Assembled, and by the authority of the same, as follows:—

PART I.

Preliminary.

Repeal of "Polynesian Labourers Act of 1868."

1. "The Polynesian Labourers Act of 1868" is hereby repealed, but nothing herein contained shall affect any Act or thing lawfully done, or commenced, or contracted to be done, under the authority of the said Act.

Definition of terms.

2. In this Act the following terms shall, unless the context otherwise requires, have the several meanings set against them respectively, that is to say,—

"Pacific Islander," or "Islander" *—A native, not of European extraction, of any island in the Pacific Ocean which is not in Her Majesty's dominions, nor within the jurisdiction of any civilised power.

"Native passenger," or "passenger." — An islander being conveyed on board of any vessel licensed to carry islanders under the authority of this Act.

"Labourer." †—A Pacific Islander who has been brought to Queensland, and the stipulated time for whose return to his native island has not arrived.

"Inspector." ‡—An Inspector appointed under this Act.

"Employer."—An employer of a Pacific Islander or labourer, or the manager or overseer of such employer, or any person having the actual charge of an estate or place where an islander or labourer is employed.

"Tropical or semi-tropical agriculture." §—The business of cultivating sugar-cane, cotton, tea, coffee, rice, spices, or other tropical or semi-tropical productions or fruits, and of rendering the products thereof marketable.

"Minister."—The Colonial Secretary, or other minister charged with the execution of this Act.

"Immigration agent."—The Immigration Agent at Brisbane, or the Assistant Immigration Agent at any other port.

Not lawful to introduce Pacific Island labourers except under this Act.

3. No person shall hereafter introduce islanders into the Colony of Queensland, except under the provisions of this Act.

Act to apply to employers and labourers at time of passing.

4. The provisions of this Act shall, so far as the same are applicable, be applied to all Pacific Island labourers introduced into this colony before the passing of this Act, and to their employers, but shall not apply to any Pacific Island labourers now or hereafter employed solely in pearl or bêche-de-mer fisheries || on the Queensland coast.

Appointment of Inspectors.

5. The Governor in Council may from time to time appoint fit and proper persons to be Inspectors of Pacific Islanders and labourers for the purposes of this Act.

Appointment of Government Agents.

6. The Governor in Council may from time to time appoint fit and proper persons to be Government Agents, to accompany vessels licensed to carry Pacific Islanders under the provisions of this Act.

PART II.

The Introduction of Pacific Islanders.

Form of application.—Schedule A.

7. Any person desirous of introducing Pacific Islanders shall make application to the Immigration Agent in the form in Schedule A. to this Act, or to the like effect, for a license to introduce such islanders, stating the number proposed to be introduced and the estate or place where they are intended to be employed.

License not to issue to others than those engaged in tropical or semi-tropical agriculture.

But no such license shall be granted unless the applicant proves to the satisfaction of the Minister that he is engaged or has made provision for engaging in tropical or semi-tropical agriculture, and that the islanders whom he desires to introduce are intended to be employed in such agriculture only.¶

Application to be accompanied by bond.—Schedule E.

8. Such application shall be accompanied by a bond in the form in Schedule B. to this Act, for a sum equal to five pounds for every islander proposed to be introduced, for the purpose of providing for the return passage of such islander to his native island at the expiration of his term of service. Such bond must be executed by the applicant and two sureties, to be approved by the Immigration Agent.**

Applicant for license to pay capitation fee.

Every applicant shall, previous to the issue of a license, pay to the Immigration Agent the sum of thirty shillings †† for each islander proposed to be introduced. Such sum shall be appropriated to defray the expenses incurred by the Immigration Agent in supervising the introduction of the islanders and their subsequent return to their native islands.

License may issue.—Schedule C.

A license in the form in Schedule C. to this Act may then be issued, authorising the applicant to introduce the number of islanders mentioned in the application, or any less number.

Refund on islanders short shipped.

In the event of a less number being introduced than the license authorises, the amount paid by the applicant in excess of a sum equal to thirty shillings ‡‡ for every islander actually introduced may be refunded to him.

Master to execute bond prior to proceeding to recruit islanders.—Schedule D.

9. The master of any ship intended to carry native passengers from the Pacific Islands to Queensland shall make application to the Immigration Agent for a license for such ship. Such application shall be

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* By section 2 of the Amendment Act of 1886 the term "Pacific Islander" or "Islander" is declared to mean and include, and, so far as regards islanders already in Queensland, to be deemed to have always meant and included, a native, not of European extraction, of any island in the Pacific Ocean, which was not on the eighteenth of November, one thousand eight hundred and eighty, within Her Majesty's dominions or within the jurisdiction of any civilised power.

† By section 4 of the Amendment Act of 1884 it is enacted that the term "labourer," when used in the Third, Fourth, and Fifth Parts of this Act, shall include all islanders, whether the stipulated time for their return to their native islands has arrived or not.

‡ By section 3 of the Amendment Act of 1885 the term "Inspector" in this Act and in the Amendment Act of 1884 is made to include "Assistant Inspector."

§ By section 2 of the Amendment Act of 1884 the term "Tropical or semi-tropical agriculture" in the Principal Act, and that Act is defined to mean Field work in connection with the cultivation of sugar-cane, cotton, tea, coffee, rice, spices or other tropical or semi-tropical productions or fruits; but not including—

(*a*) The business of engineers, engine-drivers, engine-fitters, blacksmiths, wheelwrights, farriers, sugar-boilers, carpenters, sawyers, splitters, fencers, bullock-drivers, or mechanics;

(*b*) The business of grooms or coachmen;

(*c*) The business of horse-driving or carting, except in field work or

(*d*) Domestic or household service:

And by section 4 of the Extension Act of 1892 it is declared to include the work of handling sugar cane and megass, but not to include any work in connection with the cultivation of maize, or the work of ploughing, or, except as aforesaid, any work done within a sugar factory or sugar refinery.

|| By section 17 of the Amendment Act of 1884 it is provided that, notwithstanding the provisions of this section, the provisions of section 42 of this Act, relating to the supply of intoxicants to labourers and islanders, shall extend and apply to all islanders, whether employed in pearl or bêche-de-mer fisheries on the Queensland coast or not.

¶ By section 11 of the Amendment Act of 1885 it was provided that no license to introduce islanders should be granted after the 31st December, 1890, but the section referred to is repealed by section 3 of the Extension Act of 1892.

** By section 9 of the Amendment Act of 1885 it is provided that all moneys recovered in respect of any bond given under this Act shall be paid into the Treasury, to the credit of "The Pacific Islanders Fund."

†† By section 5 of the Amendment Act of 1885 the amount of the capitation fee here prescribed is increased to three pounds.

‡‡ For "thirty shillings" read "three pounds," see section 5 of Amendment Act of 1885.

accompanied by a bond for five hundred pounds in the form in Schedule D. to this Act, made by the master with two sufficient sureties.*

License to be issued.—Schedule E.

Upon the approval by the Minister of such application and of the proposed sureties, a license in the form of Schedule E. to this Act shall be granted by the Minister, authorising such ship to be employed in introducing islanders under this Act. Such license shall specify the number of passengers, not being greater than the number hereinafter prescribed, which such ship may carry.

Bond to be signed by master for return of islanders to their proper islands.—Schedule F.

10. The master or owner of any ship intended to convey passengers from Queensland to the Pacific Islands shall enter into a bond in the sum of five hundred pounds, in the form of Schedule F. to this Act, to provide for the return of such passengers to their native villages on their respective islands; and no islander shall be permitted to embark in any ship for the purpose of his return to his native island until such bond has been duly executed.*

Number of passengers. (*Vide Imperial Act* 18 *and* 19 *Vic. c.* 110.)

11. No ship shall be authorised to carry a greater number of passengers than in the proportion of one statute adult to every twelve clear superficial feet of space allotted to their use; and the height between decks shall not be less than six feet six inches from deck to deck.

Provided that when the height between decks exceeds six feet six inches, a greater number may be taken, but not in the whole a number exceeding one adult for every seventy-eight cubic feet of space.

Proportion of passengers to deck area.

But no ship, whatever her tonnage or superficial space of passenger deck, shall be authorised to carry a greater number of passengers in the whole than in the proportion of one statute adult to every five superficial feet clear for exercise on the upper deck or poop or on any roundhouse or deckhouse properly secured and fitted on the top with a railing or guard.

In computing the superficial area of that portion of a ship's between decks which is allotted to the passengers' use, the average beam measurement of such portion shall be taken midway between the upper and lower decks.

Every ship shall be fitted with open berths or sleeping places in not more than two tiers, and the lowest tier shall be raised six inches at the least from the lower deck, and the interval between the two tiers of berths shall not be less than two feet six inches. All labourers shall be berthed between decks or in deckhouses.

Conditions of license.

12. Every ship master's license shall be issued subject to the following conditions, that is to say,—

Master to provide for Government Agent.

(1.) The master shall provide for the Government Agent, free of cost, first-class cabin accommodation, and the usual cabin fare at the master's table, exclusive of wine, beer, and spirits.

Vessel to be properly found in medicines, &c.

(2.) The owner or charterer shall provide for the use of the passengers, and to the satisfaction of the Government medical officer at the port of embarkation, a supply of medicines, medical comforts, instruments, and other appliances necessary for diseases and accidents incidental to a sea voyage, and for the medical treatment of the passengers during the voyage, including an adequate supply of disinfectants, together with printed directions for the use of the same respectively; and such medicines, medical comforts, instruments, and appliances shall be properly packed and placed under the joint charge of the captain and Government Agent, to be used at their discretion.

* By section 9 of the Amendment Act of 1885 it is provided that all moneys recovered in respect of any bond given under this Act shall be paid into the Treasury, to the credit of "The Pacific Islanders Fund."

Penalty for obstructing a Government Agent.

(3.) The master shall not obstruct or attempt to obstruct the Government Agent in the discharge of his duty, and shall not bring on board, or allow to be brought on board, or remove, or allow to be removed from the ship, any passenger, without the consent of the Government Agent.

Age of labourers.

(4.) No passenger shall be introduced who, in the opinion of the Government Agent, is less then sixteen years of age.

Water on the voyage.

(5.) Three quarts of water daily during the voyage shall be allowed to each passenger, exclusive of the quantity used for cooking purposes.

Provisions on the voyage.

(6.)† Provisions shall be issued to each passenger during the voyage according to the following scale, namely,—

DAILY PROVISIONS FOR EACH PASSENGER.

	lbs.	oz.
Yams or potatoes	5	0
Or rice	2	0
Tea	0	0½
Sugar	0	2
Tobacco per week	0	1½
Pipes per week	one.	

(7.)† The undermentioned clothing shall be supplied to each passenger immediately on embarkation in advance, namely:—

Males.	*Females.*
1 flannel shirt	1 winsey dress
1 pair serge trousers	1 flannel petticoat
1 double blanket	1 double blanket.

Length of voyage.

13. The length of the voyage to or from the South Sea Islands shall be computed at thirty days for sailing vessels and fifteen days for steamers.

PART III.‡

THE EMPLOYMENT OF PACIFIC ISLANDERS IN THE COLONY.§

Agreements to be completed on board ship.—Schedule G.

14. All agreements for service made with Pacific Islanders shall be in the form in Schedule G‖ to this Act, or to the like effect, and shall be completed in duplicate on board the ship, and attested by the Immigration Agent or an Inspector, before the landing of the passengers.

One copy of every agreement shall be retained by the Immigration Agent or Inspector.

Master of vessel to report arrival, &c.—Schedule H.

15. The master of every ship arriving at any port in Queensland with native passengers under the provisions of this Act shall forthwith report to the Immigration Agent or Inspector—

(A) The number of such passengers, and

(B) The names of their licensed employers.

The master shall not land any of such passengers until he has been granted by the Immigration Agent or Inspector at such port a certificate in the form of Schedule H to this Act.

Before granting such certificate the Immigration Agent or Inspector shall require,—

† By section 6 of the Extension Act of 1892 it is provided that the scales of clothing and provisions here provided may be varied by the regulations.

‡ By section 4 of the Amendment Act of 1884 the term "labourer" when used in this part of the Act, is made to include all islanders, whether the stipulated time for their return to their native islands has arrived or not, but by section 11 of that Act it is provided that certain islanders shall be exempted from the foregoing provisions.

§ By section 10 of the Amendment Act of 1884 it is provided that from and after the 1st September 1884 it shall not be lawful to employ any islander except under a duly attested agreement for service, nor except in tropical or semi-tropical agriculture, but by section 11 of that Act certain islanders are exempted from the foregoing provision.

‖ By section 3 of the Amendment Act of 1884 it is provided that all agreements for service made with islanders, whether the stipulated time for their return to their native islands has arrived or not, shall be made in the form above prescribed; but by section 11 of the same Act certain islanders are exempted from the foregoing provision.

Master of vessel to produce certificate.—Schedule I.

(1) The production by the master of a certificate or certificates in the form in Schedule I to this Act signed by the Government Agent attached to the ship, that all the passengers have voluntarily engaged themselves and entered into their agreement with a full knowledge and understanding of the nature and conditions thereof, and that when they were engaged they were not known to be afflicted with any disease, and were neither maimed, halt, blind, deaf, dumb, idiotic, nor insane.

Employers to produce licenses.—Schedule C.

(2.) The production by every employer for whom the islanders have been engaged of the license in the form in Schedule C to this Act, authorising their introduction.

Passengers to understand their agreements.

(3) Proof, to his satisfaction, by means of oral explanations, questions and inquiries amongst the passengers, that they have a proper understanding of the conditions of their agreements, and that they voluntarily entered into the same.

Completion of agreements.

(4) The completion of the agreements in the prescribed form.

Master to provide certificate of health.

(5) The production by the master of a certificate from the health or medical officer at the port of arrival that the whole of the passengers intended to be landed are in sound bodily and mental health, and are physically fitted to perform the work for which they have been introduced.

Certificate of health.

16. If the health or medical officer at the port of arrival certifies that any islander introduced is physically unfit for labour in the colony, the master or owner of the ship by which such islander was introduced shall return him to the island from which he was obtained; and any master or owner failing to return such islander when required by an Inspector to do so shall be liable to a penalty not exceeding ten pounds nor less than five pounds.

Labourers to be registered on arrival.

17. Every labourer shall, on arrival, be registered in the Immigration Office at Brisbane, or at the office of the Assistant Immigration agent at any other port. In the latter case, the Assistant Immigration Agent shall forthwith forward a copy of the register to the immigration Agent at Brisbane.

Employers to provide for labourers on arrival.

18. Every labourer shall be taken from the ship by and at the expense of his employer. If from any cause it is necessary to take a passenger from the ship to an Immigration Depôt or to a hospital, the cost of his removal thereto, and of his maintenance therein, shall be borne by the master of the ship. Such cost may be recovered in a summary manner before two justices, at the suit of any Inspector.

Transfer of labourer.—Schedule J.

19. No transfer of the services of a labourer shall be made except with the full consent of the transferror, the labourer, and the Inspector or a police magistrate, nor until a bond for five pounds for each labourer intended to be transferred, in the form in Schedule J to this Act, executed by the transferree and two sufficient sureties* approved by the Inspector has been given, to provide for the return passage of such labourer to his native island at the expiration of the agreement.

Schedule K.

Every agreement for such transfer shall be in the form in Schedule K to this Act, and shall be signed by the transferror, the transferree, and the labourer, in the presence of and attested by an Inspector, who shall before attestation explain to such labourer the full meaning and effect of such agreement.

No transfers to other than those engaged in tropical or semi-tropical agriculture.

No transfer of the services of any labourer shall be permitted, unless the Inspector or a police magistrate is satisfied that the proposed transferree is engaged in tropical or semi-tropical agriculture, and that such labourer is intended to be employed in such agriculture only, and at a place to be specified in the application for transfer.

Transfer to be registered.

No labourer shall leave the transferror's employment until the agreement for transfer has been registered in the books of the Inspector attesting the transfer, or in the Immigration Office at Brisbane.

Employers not to remove labourers without permission.

20. No employer or other person, except in pursuance of a transfer duly registered, shall remove a labourer from the estate or place on which he was intended to be employed, as stated in the application for license or transfer, without the written permission of an Inspector, nor shall employ such labourer elsewhere than on such estate or place without like permission. Any employer or other person who so removes or employs a labourer without such permission, except under a transfer duly registered, shall be liable on conviction to a penalty not exceeding ten pounds for every labourer so removed or employed.

Wages to be paid in presence of Inspector.

21. The wages of every labourer shall be paid at the expiration of each six months of his engagement, in current coin of the realm, and in the presence of an Inspector or police magistrate; and no payment of wages to a labourer shall be of any force or effect unless the same has been made in the presence of an Inspector or police magistrate.

Wages paid during currency of agreement not to be deducted.

No employer shall deduct any sum from the wages of a labourer, in respect of moneys paid during his term of service, unless such moneys have been paid in the presence of and with the consent of an Inspector or police magistrate.

Store accounts not to be deducted from wages.

No employer of a labourer shall charge him with the payment of any moneys on account of stores supplied to such labourer, or deduct any sum in respect thereof from the wages due to him.

Wages of labourers to be recovered by Inspector.

22. If the wages payable to a labourer are due, an Inspector may demand payment of the same from the employer; and if such wages remain unpaid for a period of fourteen days after demand has been so made, the Inspector may sue for and recover the same on behalf of the labourer, in a summary way, before two justices of the peace.

Employer to provide return passage.

23. At the expiration of the engagement of any labourer, his employer shall either cause him to be returned to his native island, or if the labourer does not then desire to return, pay the sum of five pounds to the Immigration Agent, to be applied in defraying the cost of the return passage of said labourer when required by him.†

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* By section 9 of the Amendment Act of 1885 it is provided that all moneys recovered in respect of any bond given under this Act shall be paid into the Treasury, to the credit of "The Pacific Islanders' Fund."

† The payment of the return passage money of an islander entering into a fresh engagement for service with a new employer, after the expiration of the agreement with his preceding employer, was provided for by Section 5 of the Amendment Act of 1885, but that section is repealed by section 3 of the Extension Act of 1892, by section 5 of which Act an employer is bound, at the expiration of an agreement with an islander, to maintain the islander until he has an opportunity of returning to his native island or enters into a fresh agreement.

PART IV.*

THE CARE AND TREATMENT OF LABOURERS WHEN SICK.

Employers to provide labourers with medical attendance.

24. Every employer shall provide his labourers with proper medicine and medical attendance during disease or illness; and any employer who neglects to provide a labourer, when sick, with such medicine and medical attendance, shall for every such offence forfeit and pay a penalty not exceeding twenty pounds, and not less than five pounds, and shall further be liable to pay any reasonable expense incurred by an Inspector in providing such medicine and medical attendance.†

Inspector may order labourer to immigration depôt or hospital.

25. An Inspector, if he thinks fit, may order a labourer to be taken to the nearest Immigration Depôt or Hospital for medical examination or treatment, or for any other purpose deemed necessary by the Inspector. An employer who refuses to allow a labourer to proceed to, or when so ordered refuses to send or convey a labourer to such Immigration Depôt or Hospital, shall be liable on conviction of the offence to a penalty not exceeding ten pounds.

Expenses incurred by Government chargeable to the employers in certain cases.

26. All expenses incurred in affording hospital relief to a sick labourer, or by reason of his detention in an Immigration Depôt while awaiting shipment to his native island, shall be chargeable to the employer or last employer of such labourer, and may be recovered in a summary manner before any two justices at the suit of any inspector.

Districts may be proclaimed in which hospitals are to be established.

27. The Governor in Council may from time to time, by proclamation in the *Gazette*, declare any district in which Pacific Islanders or labourers are employed, to be a district in which a hospital for such islanders and labourers shall be established.

Employers to contribute towards maintenance of hospital.

28. Upon the proclamation of any such district every employer of labourers therein, and every employer of labourers introduced under the provisions of this Act, shall pay in advance to the nearest Inspector a hospital capitation fee at the rate of ten shillings‡ per annum for every labourer in his employment, or any less sum in proportion to the time less than one year which any such labourer has to serve, for the purpose of providing hospital relief for sick labourers employed in such district.§

Penalty for failing to pay capitation fee.

Any employer failing to pay the hospital capitation fee on account of any labourer when required so to do by an Inspector shall, in addition to the amount of such capitation fee, be liable to a penalty of ten shillings for every labourer on whose account default in payment has been made.

On proclamation of district, hospital to be erected.

29. On the proclamation of a district as aforesaid, the Minister may cause to be erected, in some central and convenient position in the district, a hospital building or buildings to which labourers or islanders employed in the district may be sent for treatment when sick; and the cost of erecting such hospital building or buildings shall be defrayed from the "Pacific Islanders' Fund," hereinafter mentioned.

Appointment of resident surgeon to hospital.

30. On the erection of such hospital building the Governor in Council may appoint, to be resident surgeon of such hospital, some legally qualified medical practitioner, who shall be empowered, subject to the approval of the Minister, to engage such attendants and nurses as are required for the proper management of such hospital; and such surgeon shall, *virtute officii*, be an Inspector of Pacific Islanders.

Employers may send labourers to hospital.

31. Every employer in such district shall be entitled to send any of his labourers or islanders, when sick, to such hospital for treatment; and the cost of the treatment and maintenance of any labourer, as well as the salaries and allowances of the surgeon and attendants of such hospital, shall be defrayed from the "Pacific Islanders' Fund," hereinafter mentioned. The cost of the treatment and maintenance of any islanders, not being a labourer within the meaning of this Act, shall be borne by his employer.

Penalty for failing to send labourers to hospital when sick.

42. Any employer in such district who fails to send any of his labourers to such hospital for treatment when sick shall be liable, on conviction, to a penalty not exceeding ten pounds nor less than five pounds.

PART V.‖

MISCELLANEOUS PROVISIONS.

Wages of deceased labourers to be paid to inspector or immigration agent.

33.¶ Notwithstanding anything to the contrary contained in "The Intestacy Act of 1877," in the event of a labourer or islander dying during his term of service, the employer shall pay to the nearest inspector, or to the immigration agent, the whole of the wages which would be payable to such labourer or islander up to the date of his death, as if such wages had accrued due from day to day, as the amount so paid shall be placed to the credit of the "Pacific Islanders' Fund," hereinafter mentioned.**

Register to be kept by employer.

34. Every employer shall keep a register of his labourers in the form in Schedule L to this Act, which shall be open for the inspection of any inspector or justice. No entry except as to the condition of the labourers on inspection shall be made in the register of the employer, unless from a document of hiring, transfer, death, or desertion, countersigned by the immigration agent or an inspector.

Deaths or desertion to be reported immediately.

35. All deaths or desertions of labourers or islanders shall be immediately reported by the employer to the nearest inspector or to the immigration agent, and in case of death a medical certificate of the cause thereof shall be forwarded with the death report to the immigration agent.

If no such medical certificate can be obtained, an inquiry under "The Inquests of Death Act of 1869"†† shall be held into the cause of the death of such labourer or islander.

Nominal return to be sent at expiration of each quarter.‡‡

36. Every employer shall once in every six months make a return to the immigration agent in the form, and giving the particulars specified in Schedule M to this Act.

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* By section 4 of the Amendment Act of 1884 the term "labourer," when used in this part of the Act, is made to include all islanders, whether the stipulated time for their return to their native islands has arrived or not, but by section 11 of that Act certain islanders are exempted from the foregoing provision.

† By section 4 of the Amendment Act of 1886 the provisions of this section are made to apply to islanders who are registered as exempt from the provisions of sections 3, 4, and 10 of the Amendment Act of 1884, as well as to other islanders.

‡ Hospital capitation fee increased to twenty shillings by section 6 of the Amendment Act of 1885.

§ As to time for payment of capitation fee, and as regards proportionate payments for periods of less than one year, see section 6 of the Amendment Act of 1885.

‖ By section 4 of the Amendment Act of 1884 the term "labourer," when used in this part of the Act, is made to include all islanders, whether the stipulated time for their return to their native islands has arrived or not, but by section 11 of that Act certain islanders are exempted from the foregoing provision.

¶ As to disposal of moneys in Savings Bank, see Amendment Act of 1885, s. 8.

** As to payment of burial expenses of deceased islanders, see section 5 of Amendment Act of 1886.

†† *Sic* in *Gazette*, but *semble* "The Inquests of Death Act of 1866."

‡‡ Heading misleading; read the section.

Quarterly return of cases to be forwarded by bench to immigration agent.

37. At the end of every quarter the police magistrate or bench of magistrates in each district where labourers or islanders are employed shall forward to the immigration agent a return of all cases adjudicated upon in which such labourer or islander were concerned. Such return shall specify the names of employers and labourers or islanders, the nature of the offences, and the decision in each case.

Engagements subject to 25 Vict. No. 11.

38. All agreements heretofore made, or hereafter to be made, with Pacific Island labourers, are hereby expressly declared to be subject to the provisions of the Act twenty-five Victoria, number eleven, "The Masters and Servants Act of 1861."

Penalty for evasion of Act.

39. If any islander is introduced into the colony by sea contrary to the provisions of this Act, the master and owner of the ship by which such islander is introduced shall each be liable to a penalty of twenty pounds for every islander so introduced, and in default of immediate payment the ship by which such islander is so introduced shall be absolutely forfeited to Her Majesty.

Labourer not be removed out of the Colony without permission or consent.

40. Any person who, without the consent of a labourer, and the written permission of the Minister, removes, or attempts to remove, such labourer out of the Colony of Queensland, except for the purpose of his return to his native island, shall be liable to a penalty of twenty pounds for every labourer so removed, or attempted to be removed, and it shall be lawful for the Minister in any case to prevent the removal of such labourer except for the purpose of his return to his native island as aforesaid.

Penalty for obstructing Inspector.

41. Any person who obstructs or attempts to obstruct, any inspector in the discharge of his duty, and any employer who refuses to assemble his labourers for inspection when requested so to do by an inspector, shall be liable on conviction to a penalty not exceeding ten pounds.

Labourers and islanders not to be supplied with spirituous liquors.

42.* Any person who sells, supplies, or gives to a labourer or islander any fermented or spirituous liquor, or any liquor part whereof is fermented or spirituous, shall be liable to a penalty not exceeding five pounds.

Breaches of this Act punishable by fine.

43.† Any person who offends against any of the provisions of this Act for which no penalty is herein specially provided shall be liable for the first offence to a penalty not exceeding ten pounds, and for a second or subsequent offence of a like nature to a penalty not exceeding twenty pounds nor less that five pounds.

Inspector may sue on behalf of Islander.

44. An inspector may institute and prosecute any proceedings in any court of justice in the name and on behalf of any islander for any relief to which such islander is by law entitled.

Onus of proof that Labourer is not a Pacific Islander.

45. The averment in any information under this Act that any person named therein is a labourer, islander, or passenger, shall be sufficient proof thereof until the contrary is shown.

Trust Fund to be established.

46. All moneys heretofore received by the immigration agent under "The Polynesian Labourers Act of 1868," and all moneys hereafter received by the immigration agent or any inpector under the provisions of this Act, and all fines and penalties recovered under the provisions of this Act shall be paid into the Treasury and placed to a separate fund to be called the "Pacific Islanders' Fund," and shall be available for carrying out the provisions of this Act and for no other purpose.*

Power to make Regulations.

47. The Governor in Council may make regulations not inconsistent with the provisions of this Act for the due and effectual execution thereof, and respecting any matter or thing necessary to give effect to the objects of this Act,† and all such regulations shall forthwith be published in the "Gazette," and shall thereafter have the force of law.

Short Title.

48. This Act may be cited as "The Pacific Island Labourers Act of 1880."

(ii.) An Act to amend "The Pacific Island Labourers Act of 1880." [*Assented to 10th March*, 1884.]

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

Act to be read with 44 Vic. No. 17.

1. This Act shall be read and construed with and as an amendment of "The Pacific Island Labourers Act of 1880," hereinafter referred to as the Principal Act, and the several terms thereby defined shall in this Act, except as hereinafter otherwise provided, have the same meanings as are therein assigned to them respectively.

Definition of "tropical or semi-tropical agriculture."

2.‡ In the Principal Act and this Act the term "tropical or semi-tropical agriculture" shall mean field work in connection with the cultivation of sugar-cane, cotton, tea, coffee, rice, spices, or other tropical or semi-tropical productions or fruits; but shall not include—

(*a*) The business of engineers, engine-drivers, engine-fitters, blacksmiths, wheelwrights, farriers, sugar-boilers, carpenters, sawyers, splitters, fencers, bullock-drivers, or mechanics;

(*b*) The business of grooms or coachmen;

(*c*) The business of horse-driving or carting, except in field work; or

(*d*) Domestic or household service.

All agreements to be in form in Schedule G. to Principal Act.

3. All agreements for service made with islanders, whether the stipulated time for their return to their native islands has arrived or not, shall be in the form in Schedule G. to the Principal Act or to the like effect, and shall be made in duplicate, and attested by the immigration agent or an inspector, who shall retain one copy of the agreement, provided that the term of service specified in any such agreement may be any period not exceeding three years.

Term "labourer" in parts 3, 4, and 5 of Principal Act to include all Islanders.

4. The term "labourer," when used in the third, fourth, and fifth parts of the Principal Act, shall include all islanders, whether the stipulated time for their return to their native islands has arrived or not.

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* By section 17 of the Amendment Act of 1884 it is provided that, notwithstanding the provisions of section 4 of the Principal Act, the provisions of this section shall extend and apply to all islanders, whether employed in pearl or bêche-de-mer fisheries on the Queensland coast or not.

† As to mode of prosecution and recovery of penalties, *see* sections 14 and 15 of Amendment Act of 1884.

* By section 9 of the Amendment Act of 1885 it is provided that all moneys recovered in respect of any bond given under this Act shall also be paid into the fund hereby established.

† *See* also power to make regulations for certain other purposes conferred by section 6 of the Extension Act of 1892.

‡ By section 4 of the Extension Act of 1892 the term "tropical or semi-tropical agriculture" is declared to include the work of handling sugar-cane and megass, but not to include any work in connection with the cultivation of maize, or the work of ploughing, or, except as aforesaid, any work done within a sugar factory or sugar refinery.

New employers to pay return passage money to former employers.

5.* When at the expiration of the engagement of any islander he enters into a fresh engagement for service, then if—

(*a*) The sum of five pounds has been paid by his first employer to the immigration agent to defray the cost of his return passage; or

(*b*) That sum has been paid by his then last employer to a former employer under the provisions of this section;

the sum so paid shall be recouped by the new employer to the next preceding employer by whom it was so paid.

Officers of labour ships and recruiting agents to be approved by Ministers.

6. No person shall be employed as the master, or as a mate, of a ship intended to carry native passengers from the Pacific Islands to Queensland, or as the agent of an intending employer on board of any such ship, unless he has been approved by the Minister as a fit person to be so employed.

Persons employed in labour ships to be paid fixed wages.

7. No person shall pay or give, or agree to pay or give, to the master of any ship employed in carrying passengers from the Pacific Islands to Queensland, or any other person employed thereon, any sum of money or other valuable consideration, the amount whereof is dependent either in whole or in part upon the number of passengers conveyed to Queensland: But the remuneration of the master of every such ship, and of every other person employed thereon, shall be at a fixed rate, either for the voyage, or dependent wholly upon the time occupied in the voyage.

Penalties.

If the provisions of this section are violated in respect of any ship, whether by the owner, charterer, master, or any other person employed thereon, the ship, her tackle, apparel, and furniture, shall be forfeited to Her Majesty, and the person offending shall also be liable to a penalty of one hundred pounds.

Detailed statement of accounts to be sent in.

8. A detailed statement of all expenditure incurred in and about every voyage of a ship employed in carrying passengers from the Pacific Islands, verified by the solemn declaration of the owner, charterer, or agent, shall be transmitted within four weeks after the arrival of the ship in Queensland to the immigration agent: For every breach of the provisions of this section the owner, charterer, and agent shall each be liable to a penalty of five hundred pounds.

Firearms or ammunition not to be supplied to Islanders.

9. It shall not be lawful to sell, supply, or give to any islander any firearms, bullets, leaden shot, gunpowder, or other explosive substance.

Islanders not to be employed except in certain occupations.

10. From and after the first day of September, one thousand eight hundred and eighty-four, it shall not be lawful to employ any islander, except under an agreement for service attested as hereinbefore provided, nor except in tropical or semi-tropical agriculture.

Exemption of certain Islanders.

11.† The provisions of the third and fourth sections of this Act and of the last preceding section shall not apply to islanders employed as part of the crew of a vessel, or as attendants at a depôt or hospital for islanders; nor to any islander with respect to whom it shall, before the first day of September, one thousand eight hundred and eighty-four, be proved to the satisfaction of the Minister that he has been continuously in the colony for a period of not less than five years.

Upon such proof being made in respect of any islander, he shall be registered by the immigration agent as exempt from the aforesaid provisions.

A certificate under the hand of the immigration agent that any islander named in the certificate is so exempt shall be sufficient evidence in all courts of justice of the fact of such exemption.

Penalties.

12. Any person offending against any of the provisions of this Act shall, when no other penalty is expressly provided, be liable, upon conviction, to a penalty not exceeding twenty pounds and not less than five pounds.

Evidence.

13. Proof that any islander is found engaged in any occupation upon any premises shall be sufficient evidence of the employment of such islander in such occupation by the owner or other person having the principal management or charge of such premises.

Mode of prosecution.

14. All offences against the Principal Act or this Act may be prosecuted in a summary way before two justices of the peace, and the accused person, or the wife or husband of an accused person, shall be a competent witness on his or her behalf.

Recovery of penalties.

15. Penalties for offences against the provisions of the tenth section of this Act may be sued for and recovered at the suit of any person. Penalties for offences against any of the other provisions of this Act, or of the Principal Act, may be sued for and recovered at the suit of an inspector or any other person authorised in that behalf by the Minister.

Half penalty to be paid to the informer.

16. One-half of every penalty recovered under this Act and of the proceeds of every vessel forfeited for breach of the provisions thereof shall be paid to the person on whose information such penalty of forfeiture was recovered or enforced.

Prohibition against selling liquor to apply to Islanders engaged in fisheries.

17. Notwithstanding the provisions of the fourth section of the Principal Act, the provisions of the forty-second section of that Act shall extend and apply to all islanders, whether employed in pearl or b che-de-mer fisheries on the Queensland coast or not.

Short title.

18. This Act may be cited as "The Pacific Island Labourers Act of 1880 Amendment Act of 1884."

(iii.) An Act to further amend the Pacific Island Labourers Act of 1880, and to put a limit to its Operation. [*Assented to 10th November*, 1885.]

Preamble.

WHEREAS the amounts contributed by employers of Pacific Islanders under "The Pacific Island Labourers Act of 1880" are insufficient to defray the expenses of the administration of that Act, and it is expedient that such amounts should be increased, and that the said Act should be amended in other respects: And whereas it is further expedient that the introduction of labourers from the Pacific Islands should not be continued after the year one thousand eight hundred and ninety: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

* This section is repealed by section 3 of the Extension Act of 1892.

† As to payment of hospital expenses of islanders registered as exempt from 3rd and 4th sections of this Act *see* section 7 of Amendment Act of 885; by section 4 of the Amendment Act of 1886 the provisions of section 24 of the principal Act are made to apply to islanders who are registered as exempt from the 3rd, 4th, and 10th sections of this Act, as well as to other islanders.

Act to be read with 44 Vic. No. 17.

1. This Act shall be read and construed with and as an amendment of "The Pacific Island Labourers Act of 1880," hereinafter called the Principal Act.

Short Title.

2. This Act may be cited as "The Pacific Island Labourers Act of 1880 Amendment Act of 1885."

The principal Act and "The Pacific Island Labourers Act of 1880 Amendment Act of 1884," and this Act may together be cited as "The Pacific Island Labourers' Acts, 1880–1885."

Assistant Inspector.

3. The term "Inspector" in the said Acts includes "Assistant Inspector," and the Governor in Council may from time to time appoint fit and proper persons to be Assistant Inspectors of Pacific Islanders and Labourers for the purposes of the said Acts. Any such appointment heretofore made is hereby declared to be and to have been valid.

Annexation of islands by Her Majesty or other civilised power not to exclude application of Acts.

4. In any case in which, after the introduction of an islander into Queensland, the island of which he is a native comes or has come to be within Her Majesty's dominions or within the jurisdiction of any other civilised power, the provisions of "The Pacific Island Labourers' Acts, 1880–1885" shall nevertheless continue to apply to such islander so long as he remains within the Colony.

Capitation fee increased to 3l.

5. The sum to be paid by an applicant to the Immigration Agent under the provisions of the eighth section of the Principal Act shall be three pounds for each islander proposed to be introduced, instead of thirty shillings as therein provided. And the said eighth section of the Principal Act shall hereafter be read as if the sum of three pounds were therein mentioned instead of thirty shillings, whenever the latter sum is therein mentioned.

Hospital capitation fee increased to 1l. per annum.

6. Every employer of islanders in a district in which a hospital for islanders and labourers has been established shall pay a hospital capitation fee at the rate of twenty shillings per annum for every islander in his employment, instead of at the rate of ten shillings for every labourer as provided by the 28th section of the Principal Act; and the said section shall be read and construed as amended to that effect accordingly.

When payable.

Such sum shall be payable on the first day of January in every year, in respect of every islander then in the employment of an employer.

Provided that if the term of an engagement of an islander will expire before the first day of July following one-half that sum only shall be payable.

The like sum of twenty shillings shall be payable by every employer in respect of every islander engaged by him between the first day of January and the thirtieth day of June inclusive in any year, and one-half that sum shall be payable in respect of every islander engaged by him between the first day of July and the thirty-first day of December inclusive. Such sums shall be payable upon the engagement of the islander.

Upon the first establishment of a hospital in a district the hospital capitation fee shall be immediately payable in respect of every islander then employed in the district, and shall be at the rate of twenty shillings for each islander so employed, unless the time of such establishment is after the thirtieth day of June, or the term of engagement of an islander will expire within six months from the time of such establishment, in either of which cases the fee payable in respect of all the islanders, or of the islanders whose engagements will so expire, as the case may be, shall be at the rate of ten shillings only.

When the time of the establishment of the hospital is after the thirtieth day of June, and the term of engagement of an islander will expire within six months from the time of such establishment, no further fee shall be payable in respect of such islander on the first day of January following.

Exempt labourers not to be maintained in hospitals except at expense of employer.

7. No hospital capitation fee shall be payable in respect of islanders who are registered as exempt from the provisions of the third and fourth sections of "The Pacific Island Labourers Act of 1880 Amendment Act of 1884," and the cost of the treatment and maintenance in a hospital of any islander so registered shall be borne by his employer.

Moneys of deceased islanders to be paid to "The Pacific Islanders' Fund."

8. Notwithstanding anything to the contrary contained in "The Intestacy Act of 1877," when an islander dies intestate all moneys which are then to his credit in the Government Savings Bank, or which are received by the Curator of Intestate Estates, shall be paid into the Treasury to the credit of "The Pacific Islanders' Fund."

But the Minister shall nevertheless apply such moneys in a due course of administration, in payment of any debts due by the deceased islander, and may pay the surplus or any part thereof to any person proved to his satisfaction to be the next-of-kin or one of the next-of-kin of the deceased islander.

Money recovered on bonds to be paid to "Pacific Islanders Fund."

9. All moneys recovered in respect of any bond given under the Principal Act shall be paid into the Treasury to the credit of "The Pacific Islanders' Fund."

Application of "Pacific Islanders' Fund."

10. The money standing to the credit of "The Pacific Islanders' Fund" shall be available, and may be applied by order of the Governor in Council, for the payment of any expenses lawfully incurred in and about the execution of any of the provisions of the "Pacific Island Labourers Acts, 1880–1885," or in and about any act or thing done by the Minister for the protection or benefit of any islanders.

LIMIT TO PERIOD FOR INTRODUCTION OF ISLANDERS.

No license to be granted after 1890.

11.* After the thirty-first day of December one thousand eight hundred and ninety no license to introduce islanders shall be granted.

(iv.) An Act to further Amend "The Pacific Island Labourers Act of 1880."

[*Assented to 4th September* 1886.]

Preamble.

WHEREAS by "The Pacific Island Labourers Act of 1880," it is declared that the term "Pacific Islander" or "Islander" shall mean a native not of European extraction, of any island in the Pacific Ocean which is not in Her Majesty's dominions, nor within the jurisdiction of any civilised power: And whereas by reason of the recent acquisition of territory in the Pacific Ocean by civilised powers it is necessary that the said definition should be amended: And whereas it is desirable to amend "The Pacific Island Labourers Acts, 1880–1885" in other respects: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

Act to be read with "Pacific Island Labourers Acts, 1880–1885."—Short title.

1. This Act shall be read and construed with, and as an amendment of, "The Pacific Island Labourers Acts, 1880–1885," and the said Acts, and this Act may together be cited as "The Pacific Island Labourers Acts, 1880–1886."

Amended definition of term "Pacific Islander" or "Islander."

2. In "The Pacific Island Labourers Acts, 1880–1886," the term "Pacific Islander" or "Islander" shall mean and include, and shall, so far as regards islanders already in Queensland, be deemed to have always meant and included, a native, not of European extraction, of any island in the Pacific Ocean, which was not on the

* This section is repealed by Section 3 of the Extension Act of 1892.

eighteenth day of November, one thousand eight hundred and eighty, within Her Majesty's Dominions or within the jurisdiction of any civilised Power.

Burden of proof.

3. Whenever a question arises whether at the date last mentioned any island in the Pacific Ocean was within the jurisdiction of any civilised Power, the burden of proof shall lie upon the person alleging the fact that such island was at that date within such jurisdiction.

Employers to provide all labourers with medical attendance.

4. The provisions of the twenty-fourth section of "The Pacific Island Labourers Act of 1880" shall apply to islanders who are registered as exempt from the provisions of the third, fourth, and tenth sections of "The Pacific Island Labourers Act of 1880 Amendment Act of 1884," as well as to other islanders.

Cost of burial to be paid by employer.

5. The cost of burial of any islander dying while under engagement shall be paid by his employer; and if such cost is defrayed in the first instance by an officer of police or any other person, an inspector may, on his behalf, sue for and recover the same from the employer in a summary way before any two justices; but the employer shall be entitled to be recouped the reasonable amount of such cost out of the personal estate, if any, of the islander.

Saving.

6. Nothing in this Act shall be deemed to impose any liability upon any person for any act lawfully done before the passing of this Act.

(v.) An Act to further Amend "The Pacific Island Labourers Acts, 1880–1885."

[*Assented to 14th April*, 1892.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

Act to be read with 44 Vic. No. 17 and amending Acts.

1. This Act shall be read and construed with and as an amendment of "The Pacific Island Labourers Acts, 1880–1885.

Short title.

2. This Act may be cited as "The Pacific Island Labourers (Extension) Act of 1892."

"The Pacific Island Labourers Acts, 1880–1885," and this Act may together be cited as "The Pacific Island Labourers Acts, 1880–1892."

Repeal of 47 Vic. No. 12, s. 5, and 49 Vic. No. 17, s. 11.

3. The fifth section of "The Pacific Island Labourers Act of 1880 Amendment Act of 1884" and the eleventh section of "The Pacific Island Labourers Act of 1880 Amendment Act of 1885" are hereby repealed.

Amendment of definitions.

4. In "The Pacific Island Labourers Acts, 1880–1892," the term "tropical or semi-tropical agriculture" includes the work of handling sugar-cane and megass, but does not include any work in connection with the cultivation of maize, or the work of ploughing, or, except as aforesaid, any work done within a sugar factory or sugar refinery.

Maintenance of islanders when term of service has expired.

5. At the expiration of the engagement of a labourer, his employer shall be bound to maintain him until he has an opportunity of returning to his native island, or enters into a fresh agreement with the same or some other employer to serve in tropical or semi-tropical agriculture.

If an employer fails so to maintain a labourer, he shall be liable to a penalty not exceeding ten pounds, and shall also be liable to pay the actual cost of the maintenance of the labourer, which may be recovered by summary proceedings at the suit of an Inspector.

Payment of relatives of islanders who die during term of service.

6. The Regulations may provide that when a labourer or islander dies during the term of his engagement, any part of the moneys standing to his credit in the Government Savings Bank, or any part of the wages payable to him at the time of his death, shall be applied in payment to his friends or relatives upon his native island, or in the purchase of goods to be delivered to such friends or relatives. Any such Regulation shall be valid, and any moneys authorised by the Regulations to be so applied may be paid out of "The Pacific Islanders' Fund" for the purposes so authorised.

Scales of clothing and provisions.

The scales of clothing and provisions prescribed by "The Pacific Island Labourers Act of 1880" to be supplied to islanders may be varied by the Regulations.

IV.—ACTS REGULATING ALIEN EMIGRATION AND IMMIGRATION IN THE CROWN COLONIES.

1. *Indian Emigration Act of* 1883.

An Act to amend the law relating to the Emigration of Natives of India.

[As modified up to the 1st December 1890.]

Whereas it is expedient to amend the law relating to the emigration of Natives of India; it is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title and extent.

1. (1.) This Act may be called the Indian Emigration Act, 1883.

(2.) It extends to the whole of British India.

Exemption of Government vessels.

2. Nothing in this Act or in any rule made under this Act shall apply to any vessel belonging to, or in the service of, Her Majesty or of the Government of India.

Commencement.

3. Except as to the power to make rules, this Act shall come into force on such day (*) as the Governor General in Council, by notification in the Gazette of India, appoints.

Repeal of enactments.

4. On and from the day on which this Act comes into force, the Indian Emigration Act, 1871, and Act No. XIV. of 1872 (to exempt the Straits Settlements from the Indian Emigration Act, 1871) shall be repealed.

Saving for proceedings under repealed enactments.

5. All notifications issued, contracts entered into, rules and appointments made, and licenses granted under any enactment hereby repealed, and in force on the day on which this Act comes into force, shall (so far as they are consistent with this Act) be deemed to have been respectively issued, entered into, made and granted under this Act.

Definitions.

6. In this Act, unless there is something repugnant in the subject or context—

(1) "Emigrate" and "emigration" denote the departure by sea out of British India of a Native of India under an agreement to labour for hire in some country beyond the limits of India other than the island of Ceylon or the Straits Settlements:

Provided that a domestic servant when accompanying his employer shall not be deemed to emigrate within the meaning of the above definition:

(2) "Emigrant" means any Native of India who emigrates, or has emigrated, within the meaning of the above definition, or who has been registered under this Act as an emigrant, and includes any dependent of an emigrant:

* Act XXI. of 1883 has been declared in force in the Sonthal Pergunnahs—see Regulation III. of 1872, Schedule, as amended by Regulation III. of 1886, s. 6. [Bengal Code, Ed. 1889, Vol. I., p. 606.]

† The 1st April, 1886—see Gazette of India, 1886, Part I., p. 258.

(3) "Dependent" means any of the following persons accompanying any emigrant, namely:

(*a*) Any woman who has not entered into an agreement to emigrate under this Act;

(*b*) Any child in whose name and on whose behalf any such agreement has not been entered into; and

(*c*) Any aged or incapacitated relative or friend:

(4) "Magistrate" means, in the Presidency towns, a Presidency Magistrate, and elsewhere a District Magistrate or a Sub-divisional Magistrate, and includes also any person appointed by the Local Government, by name or by virtue of his office, to perform in any local area the functions of a Magistrate under this Act:

(5.) "Registering Officer" means any person appointed by the Local Government, by name or by virtue of his office, to perform in any local area the functions of a Registering Officer under this Act:

(6.) "Recruiter" includes a head recruiter or other person who collects or receives emigrants recruited by other persons:

(7.) "Vessel" includes anything made for the conveyance by water of human beings or property:

(8.) "Emigrant-vessel" means a vessel the master of which is licensed under this Act to carry emigrants therein; and

(9.) "Master" means any person (except a pilot or harbour-master) having for the time being control or charge of a vessel.

CHAPTER II.

PORTS FROM WHICH, AND COUNTRIES TO WHICH, EMIGRATION IS LAWFUL.

Ports from which emigration is lawful.

7.—(1.) Emigration shall not be lawful except from the ports of Calcutta, Madras and Bombay, and from such other ports as the Governor General in Council, from time to time, by notification in the Gazette of India, declares to be ports from which emigration is lawful.

(2.) The Governor General in Council may at any time, by a like notification, revoke any notification issued under this section.

(3.) The Local Government may, from time to time, by notification in the official Gazette, fix for the purposes of this Act the limits of any port from which emigration is lawful.

Countries to which emigration is lawful.

8.—(1.) Emigration shall not be lawful except to the countries specified in the first schedule hereto annexed, and to such other countries as the Governor General in Council, from time to time, by notification in the Gazette of India, declares to be countries to which emigration is lawful.

(2.) Every notification under this section must contain a declaration that the Governor General in Council has been duly certified that the Government of the country to which the notication refers has made such laws and other provision as the Governor General in Council thinks sufficient for the protection of emigrants to that country during their residence therein.

Power for Governor General in Council to prohibit emigration to any country.

9.—(1.) Whenever the Governor General in Council has reason to believe that any of the grounds, hereinafter mentioned, for prohibiting emigration to any country to which emigration is lawful, exists, he may, by notification in the Gazette of India, declare that emigration to that country shall cease to be lawful from a day specified in the notification; and from that day emigration to that country shall accordingly cease to be lawful.

(2.) The grounds referred to in sub-section (1) of this section are—

(*a*) That the plague or any other epidemic disease dangerous to human life has broken out in the country;

(*b*) That the mortality among emigrants in the country is excessive;

(*c*) That proper measures have not been taken for the protection of emigrants immediately on their arrival in the country or during their residence therein;

(*d*) That the agreements made with emigrants, as such, before their departure from India are not duly enforced by the Government of the country; and

(*e*.) That the Governor General in Council, having, either directly or through the Secretary of State for India in Council, addressed the Government of the country with a view to obtain information regarding the condition or treatment of emigrants therein, has not within a reasonable time received the information asked for.

Power for Local Government to suspend emigration pending reference to Governor General in Council.

10.—(1.) Whenever the Local Government has reason to believe, that in any country to which emigration is lawful, the plague or other epidemic disease dangerous to human life has broken out, and that emigrants, if allowed to emigrate to that country, would be exposed to serious risk of life on arrival there, it may, by notification in the official Gazette, declare that emigration to that country from any port in the territories administered by it shall cease to be lawful pending a reference to the Governor General in Council.

(2.) The Local Government shall at once report the publication of a notification under this section, with the reasons for it, to the Governor General in Council, who shall thereupon publish a notification in the "Gazette of India" confirming or cancelling the notification published by the Local Government.

Revocation of prohibition.

11. Whenever the Governor General in Council is satisfied that the ground on which a notification has been published by him under either of the two last foregoing sections with respect to any country has ceased to exist, he may, by notification in the "Gazette of India," declare that emigration to that country shall again be lawful from a day to be specified in the notification.

Power for Local Government to prohibit emigration to specified country from the whole or any specified part of its territories.

12.—(1.) The Local Government may, with the previous sanction of the Governor General in Council, by notification in the official Gazette, prohibit from a day specified in the notification, all Natives of India or any specified class of Natives, from emigrating from the whole or any specified part of the territories under its administration to any specified country.

(2.) The Local Government may, with the like sanction, in like manner, vary or cancel any notification published under this section.

Saving for acts done before publication of notification.

13. The publication of a notification under any of the four last foregoing sections shall not affect any act done, offence committed or proceedings commenced before the publication.

CHAPTER III.

EMIGRATION AGENTS.

Appointment of Emigration Agents.

14.—(1.) The Government of every country to which emigration is lawful may, from time to time, appoint a person to be Emigration Agent in any port from which emigration is lawful, and may suspend or remove any person so appointed.

(2.) An appointment under this section shall not take effect until the Local Government, by notification in the official Gazette, has declared its approval of the appointment.

Remuneration of Agents.

15. The remuneration to be given to an Emigration Agent shall not depend on, or be regulated by, the number of emigrants sent by him, but shall be in the nature of a fixed salary:

Provided that the Governor General in Council may, from time to time, authorise the payment to specified Emigration Agents of special fees for occasional work.

CHAPTER IV.

PROTECTORS OF EMIGRANTS AND MEDICAL INSPECTORS.

Appointment of Protectors of Emigrants.

16.—(1.) The Local Government may, from time to time, appoint a proper person to be the Protector of Emigrants for any port within the territories administered by it from which emigration is lawful.

(2.) The Governor General in Council may, from time to time, define the local area to which the authority of any Protector of Emigrants so appointed shall extend.

(3.) Every Protector of Emigrants may be suspended or removed by the Local Government which appointed him.

(4.) Every Protector of Emigrants shall be a public servant within the meaning of the Indian Penal Code.* XLV. of 1860.

General duties of Protector.

17. Every Protector of Emigrants, in addition to the special duties assigned to him by this Act or the rules made under this Act, shall—

(*a*) protect and aid with his advice all emigrants;

(*b*) cause, so far as he can, all the provisions of this Act and of the rules made under this Act to be complied with;

(*c*) inspect, on arrival, all vessels bringing return-emigrants to the port for which he is Protector;

(*d*) enquire into the treatment received by the return-emigrants both during the period of their service in the country to which they emigrated, and also during the return voyage, and report thereon to the Local Government; and

(*e*) aid and advise the return-emigrants so far as he reasonably can.

Appointment of Medical Inspector.

18.—(1.) The Local Government may, from time to time, appoint a Medical Inspector of Emigrants at each port from which emigration is lawful, and may suspend or remove him.

(2.) Every Medical Inspector of Emigrants shall be a public servant within the meaning of the Indian Penal Code.* XLV. of 1860.

Protector and Medical Inspector to have facilities for Inspection.

19. Every Emigration Agent, and all persons in charge of, or employed in, any depôt established under this Act,† or in charge of, or employed in, any emigrant-vessel, shall give the Protector of Emigrants and the Medical Inspector of Emigrants every facility for making such inspections, examinations and surveys as are required by this Act or by the rules made under this Act, or as those officers may deem necessary or proper, and shall afford them all such information as they may reasonably require.

CHAPTER V.

RECRUITERS.

Protector of Emigrants to license recruiters.

20.—(1.) The Protector of Emigrants at each of the ports from which emigration is lawful shall, on the application of the Emigration Agent for any country to which emigration is lawful, grant licenses to so many fit persons as to the Protector seems necessary to be recruiters of emigrants within the local area to which the authority of the Protector extends.

(2.) A person shall not, unless he holds a license granted under this chapter,—

(*a*) enter into, or attempt to enter into, any agreement with any person purporting to bind him to emigrate, or

(*b*) in consideration of any hire or reward, induce, or attempt to induce, any person to leave any place for the purpose of emigrating, or

(*c*) act or be employed in any other respect as a recruiter of emigrants.

(3.) Every recruiter shall produce his license when called upon to do so by any Magistrate or officer in charge of a Police-station.

Form of license.

21. Every license granted under this chapter shall specify the particular country for which, and the local area within which, the holder is licensed to recruit, and may be in the form set forth in the second schedule hereto annexed.

Duration of license.

22.—(1.) A license granted under this chapter shall not be in force for a longer period than one year from the day on which it comes into force.

(2.) The Protector of Emigrants may, on the ground of misconduct, cancel any license granted by him under this chapter before the expiration of the period for which it is in force.

Countersignature of license.

23.—(1.) A recruiter shall not, in any place beyond the limits of a port from which emigration is lawful, enter, or attempt to enter, into any agreement with any person purporting to bind him to emigrate, or induce or assist, or attempt to induce or assist, any person to leave any place for the purpose of emigrating, or act or be employed in any other respect as a recruiter of emigrants, unless his license bears the countersignature of the District Magistrate.

(2.) If a District Magistrate has satisfied himself, after such enquiry as he thinks necessary, that the licensee is, by character or from any other cause, unfitted to be a recruiter under this Act, he may refuse to countersign a recruiter's license.

(3.) If a District Magistrate has satisfied himself, after such enquiry as aforesaid, that sufficient and proper accommodation has not been provided in a suitable place, or is not available, for such intending emigrants or emigrants as may be collected by the recruiter pending their registration or removal to the depôt at the port of embarkation, he may refuse to countersign a recruiter's license or to decide whether he will countersign his license until after the expiration of such time as may in his opinion be reasonable.

(4.) Before a Magistrate refuses to countersign, or defers his countersignature of, a recruiter's license, he shall record in writing his reasons for so doing.

Power for Magistrate to cancel countersignature in certain cases.

24. If any Magistrate, having countersigned a recruiter's license, afterwards finds reason to think that the licensee is, by character or from any other cause, unfitted to be a recruiter under this Act, or that the accommodation provided for intending emigrants or emigrants collected by him has become unsuitable or has ceased to be available, he may require the licensee to produce his license, and may cancel the countersignature on it, or may impound the license and send it for cancellation to the Protector of Emigrants who granted it.

Notice to Protector of Emigrants of countersignature, refusal to countersign or cancellation of countersignature.

25. When a Magistrate countersigns, or refuses to countersign, a recruiter's license, or cancels the countersignature on it, he shall at once report the countersignature, or the refusal or cancellation, and the grounds of the refusal or cancellation, to the Protector of Emigrants who granted the license.

Recruiter to be supplied with statement of terms of agreement he is authorised to offer.

26.—(1.) The Emigration Agent on whose application any recruiter is licensed shall supply the recruiter with a written or printed statement, signed by the Agent, and countersigned by the Protector of Emigrants, of the terms of agreement which the recruiter is authorised to offer on behalf of the Agent to intending emigrants.

(2.) The statement shall be both in English and in the Vernacular language or languages of the local area within which the recruiter is licensed to recruit.

(3.) The recruiter shall give a true copy of the statement to every person whom he invites to emigrate, and shall produce the statement for the information of any Magistrate or officer in charge of a Police-station, when called upon to do so by the Magistrate or officer.

Accommodation to be provided by recruiters.

27. (1.) Every recruiter shall provide sufficient and proper accommodation in a suitable place for such intending emigrants or emigrants as may be collected by him pending their registration or removal to the port of embarkation.

(2.) The place where the accommodation is provided shall have a board fixed in some conspicuous position specifying the purpose for which the place is used.

(3) Every District Magistrate, or any subordinate Magistrate or officer of Police authorised in this behalf by a rule made under this Act, shall have, for the supervision and regulation of the places where accommodation is provided under this section, the same powers as are by this Act* conferred on a Protector of Emigrants in respect of depôts at the port of embarkation.

(4.) All recruiters or other persons in charge of these places shall afford every Magistrate and any officer of Police authorised as aforesaid in this behalf every facility for visiting and inspecting them.

CHAPTER VI.

REGISTRATION OF EMIGRANTS AND EXECUTION OF AGREEMENTS TO EMIGRATE.

Power for Local Government to appoint registering officers.

28. The Local Government may, from time to time, appoint any person, by name or by virtue of his office, to perform in a specified local area, but subject to the control of the District Magistrate or such other officer as the Local Government appoints, by name or by virtue of his office, in this behalf, the functions of a registering officer under this Act.

* For Act XLV. of 1860, see the revised edition as modified up to 1st August, 1890, published by the Legislative Department.

† See Chapter VII., *infra*.

* See Chapter VII., *infra*.

Execution of agreements.

29. Every agreement to emigrate entered into by any person must—

(*a*) if executed within the limits of any port from which emigration is lawful, be executed in the presence of the Protector;

(*b*) if executed elsewhere, be executed in the presence of a Registering Officer.

Appearance of intending emigrants before Registering Officer.

30. Every recruiter who desires to engage any person to emigrate shall appear before a Registering Officer or the Protector of Emigrants (as the case may be) with that person, and with any persons intending to accompany that person as his dependents.

Examination and registration of emigrant.

31. (1.) The Registering Officer or Protector shall thereupon examine the person, apart from the recruiter, with reference to his intended agreement; and, if it appears that he is competent and willing to enter into the agreement and understands its nature, that he has not been induced to enter into it by any coercion, undue influence, fraud, misrepresentation or mistake and * that its terms are in conformity with law, and are such as, according to the statement furnished to the recruiter under section 26, he was authorised to offer, shall, subject to the provisions of section 33, register in a book to be kept for the purpose, in such form as the Governor General in Council, from time to time, by rules made under this Act, prescribes, the name, sex, name of the father, caste, occupation and age of the intending emigrant, and the name of the village or place of which he is a resident, and such other particulars (if any) concerning him and his dependents (if any) as the Governor General in Council, from time to time, by rules made under this Act prescribes.

Power to refuse registration in case of married woman.

32. (1.) Notwithstanding anything contained in the last foregoing section, the Registering Officer or Protector may refuse to register any married woman under that section if he finds that her husband does not consent to her emigrating.

(2.) The Registering Officer or Protector may also, in the case of any woman whom he believes to be married, refuse to decide whether he will register her until after the expiration of such time, not exceeding ten days, as he thinks fit.

Examination of dependent.

33. (1.) When any person appears before a Registering Officer or Protector under section 30 as a dependent of an intending emigrant, the Registering Officer or Protector shall, if the person is able to give intelligent answers to questions, examine him, apart from the recruiter, as to his dependence on the intending emigrant whom he is about to accompany and as to his willingness to emigrate.

(2.) Where the Registering Officer or Protector sees reason to doubt the existence of the dependence or willingness, he may, if he thinks fit, refuse to register the intending emigrant unless the name of the dependent is omitted from the register.

Record of reasons for refusal to register.

34. Whenever the Registering Officer or Protector refuses to register any intending emigrant, he shall record his reasons for the refusal.

Execution and attestation of agreement.

35. (1.) When the particulars concerning any intending emigrant and his dependents (if any) have been registered, the Registering Officer or Protector shall cause an agreement to be prepared † in duplicate, † and shall call on the recruiter and the intending emigrant to execute the agreement † in duplicate † in his presence, and, if they execute it, shall attest the execution with his signature.

(2.) An agreement to emigrate shall not be of any effect until the particulars concerning the intending emigrant and his dependents (if any) have been registered, and the agreement has been executed and attested under this Act.

(3.) When the particulars concerning any intending emigrant and his dependents (if any) have been registered and an agreement has been executed and attested under this Act, the intending emigrant shall be deemed to be registered under this Act as an emigrant.

‡ (4.) Any number of intending emigrants appearing with the same recruiter before the Registering Officer or Protector at the same time, and desiring to emigrate on the same terms to the same country, may, with the permission of the Registering Officer or Protector (as the case may be), execute one instrument of agreement under this section, instead of each of such intending emigrants executing a separate instrument.

Contents of agreement.

36. Every agreement to emigrate shall contain a copy of the particulars registered concerning the intending emigrant and his dependents (if any) under section 31, and on the reverse such particulars concerning the nature, duration and term of service and the remuneration of the emigrant, and such other matters (if any) as the Governor General in Council from time to time, by rules made under this Act, prescribes.

Record of registrations and agreements.

* 37. When the agreement has been executed and attested—

(*a*) one of the copies thereof shall be delivered to the emigrant, and the other shall be retained by the Protector or sent by the Registering Officer to him, and

(*b*) a certified copy of the particulars registered under section 31 concerning the emigrant or emigrants by whom the agreement was executed, and concerning his or their dependents (if any), shall be delivered to the recruiter for transmission to the Emigration Agent.

Fee for preparation of agreement.

38. For the preparation of every agreement under this chapter the recruiter or Emigration Agent shall pay such fee as the Governor General in Council, from time to time, by notification in the Gazette of India, prescribes:

Provided that the Governor General in Council may at any time, by like notification, declare that the fee payable under this section shall be consolidated, either generally or in any specified local area, with the fee payable under section 73.

Power to make agreement if over 16.

39. Notwithstanding anything to the contrary in the Indian Contract Act, 1872 † it shall be lawful for any person of the age of sixteen years or upwards to enter in manner in this Act provided into an agreement to emigrate to any place to which emigration is lawful.

IX. of 1872.

Power to make agreement on behalf of child or ward.

40. Any person entering into an agreement to emigrate, and being the parent or guardian of a child under the age of sixteen years and above the age of ten years, may, in the name of and on behalf of the child, enter into an agreement in manner in this Act provided binding the child to emigrate with him.

CHAPTER VII.

Emigration Depôts.

Depôts to be established at ports of embarkation.

41. Every Emigration Agent shall establish at the port for which he is appointed a suitable depôt for the reception and lodging of emigrants before embarkation for the country for which he is Emigration Agent, and shall provide all necessary food and clothing for all emigrants during their stay at the depôt.

Licensing of depôts.

42. (1.) A depôt established under the last foregoing section shall not be used for the reception and lodging of emigrants until it has been inspected and approved by the Protector of Emigrants and the Medical Inspector of Emigrants, and a license for its use has been granted by the Protector.

(2.) A license under this section shall not be granted for a longer period than one year from the day on which it comes into force.

(3.) The Protector of Emigrants may at any time cancel a license under this section—

(*a*) If he considers that the depôt for which it was granted is unhealthy, or has in any respect become unsuitable for the purpose for which it was established, or

(*b*) if the Emigration Agent fails, after reasonable notice, to comply with any of the requirements of this Act or of the rules made under this Act.

Inspection by protector and medical inspector.

43. The Protector of Emigrants and the Medical Inspector shall, from time to time, and at least once in every week during which any emigrants may be kept in any depôt at the port for which they are Protector and Medical Inspector, respectively, inspect the emigrants in that depôt, and examine the state of the

* This word "and" was inserted in s. 31 by Act XVIII. of 1890, s. 1.
† These words in s. 35 were substituted for the original words by Act XVIII. of 1890, s. 2 (1).
‡ Sub-section (4) was added to s. 35 by Act XVIII. of 1890, s. 2 (2).

* This section was substituted for the original s. 37 by Act XVIII. of 1890, s. 3.
† Printed, General Acts, 1867-76, Ed. 1887, p. 319.

depôt, and the manner in which the emigrants therein are lodged, fed, clothed, and otherwise provided for and attended to.

Report by Medical Inspector.

44. The Medical Inspector shall report to the Protector of Emigrants any circumstance that may come to his knowledge showing that any depôt is not suitable for its purpose, or that the emigrants lodged therein are treated with any oppression or neglect.

Treatment of emigrant suffering from disease.

45. (1.) The Medical Inspector may, if he thinks fit, direct that any emigrant suffering from any disease likely to be dangerous to his neighbours shall be isolated or excluded from the depôt.

(2.) The Medical Inspector may, if he thinks fit, order the removal of any emigrant so suffering to a proper hospital for treatment at the expense of the Emigration Agent; and the expense (if any) incurred by the Protector of Emigrants in respect of the removal of the emigrant and his treatment in the hospital shall be recoverable from the Emigration Agent by the Protector of Emigrants, with interest thereon at the rate of six per centum per annum from the date on which the expense was incurred.

CHAPTER VIII.

Conveyance of Emigrants to Depôts and Procedure on Arrival.

Emigrant not to be removed before registration.

46. A recruiter shall not remove or attempt to remove any intending emigrant to a depôt, or induce or attempt to induce him to go to a depôt, or to leave the local limits of the jurisdiction of the Magistrate by whom the recruiter's license has been countersigned, or aid him in going to a depôt, or in leaving any such local limits, until the intending emigrant has been registered under this Act as an emigrant.

Conveyance of emigrant to depôt.

47. (1.) Every emigrant must, after he has been registered under this Act, be conveyed with all convenient despatch, by or under the orders of the recruiter or Emigration Agent, to the depôt established at the port of embarkation by the Emigration Agent on whose application the recruiter has been licensed.

(2.) When an emigrant has been registered at a place beyond the limits of the port of embarkation, he must, while proceeding to the depôt, be accompanied throughout the journey either by the recruiter himself, or by a competent person appointed by him with the approval of a Magistrate.

(3.) The Magistrate shall give to the person so appointed a certificate signed by him stating that he has been appointed for the journey to the depôt.

(4.) The recruiter or the person so appointed shall, throughout the journey, provide the emigrant with proper and sufficient food and lodging.

Report of arrival at depôt.

48. The arrival at a depôt of each emigrant must immediately be reported by the person in charge of the depôt to the Emigration Agent, and by the Agent to the Protector of Emigrants.

Examination by Medical Inspector.

49. (1.) The copy of the * particulars registered under section 31 * received by the recruiter from the Registering Officer or Protector must, as soon as conveniently may be after the arrival of the emigrant at the depôt, be shown by the Emigration Agent to the Medical Inspector of Emigrants.

(2.) The Medical Inspector shall examine each emigrant entered in the * said copy * to ascertain whether he is fit, having regard to his age and state of health, to undertake the journey to the country to which he has agreed to emigrate.

(3.) The Medical Inspector, if satisfied of his fitness, shall give a certificate to that effect to the Emigration Agent. If not so satisfied, he shall give a certificate to that effect to the Protector of Emigrants.

Power for Protector to order payment of expenses of return of emigrant in certain cases.

50. (1.) In any of the following cases, namely:—

(*a*) if the Medical Inspector of Emigrants finds that an emigrant is, or has become, unfit to undertake the journey to the country to which he has agreed to emigrate, and if the Protector of Emigrants considers that the emigrant has not dishonestly represented himself as fit to undertake the journey, or

(*b*) if the Protector finds that any such irregularity has occurred in the recruitment or treatment by the recruiter of any emigrant as makes it just to rescind the agreement to emigrate, or

(*c*) if the Emigration Agent refuses to fulfil the agreement entered into with the emigrant,

the Protector may order the Emigration Agent to pay to the emigrant such sum as the Protector deems reasonable as compensation, and when the emigrant has been registered at a place beyond the limits of the port of embarkation, such reasonable sum as is necessary to enable him to return to the place at which he was registered, and may take any steps which he thinks necessary for the conveyance of the emigrant to that place.

(2.) Any emigrant who has been registered at any place beyond the limits of the port of embarkation, and who from his state of health is, in the opinion of the Medical Inspector of Emigrants, unfit to undertake at once the return journey to the place at which he was registered, shall be entitled to be fed, lodged, clothed, and attended to at the depôt at the expense of the Emigration Agent until he is reported by the Medical Inspector fit to undertake the return-journey.

Payment of expenses of dependents and relatives.

51. (1.) When any order is made under the last foregoing section with reference to any emigrant who was registered at any place beyond the limits of the port of embarkation, any emigrant who has been registered as his dependent,

or any emigrant who, not being a dependent, is the father, mother, wife, husband, son, daughter, brother, sister, guardian or ward of the emigrant, shall be entitled—

(*a*) to be conveyed at the expense of the Emigration Agent with the emigrant to the place at which he was registered; and

(*b*) if the emigrant is unable to travel, to be lodged, fed, and clothed in the depôt at the expense of the Emigration Agent until the emigrant is able to travel.

(2.) The Protector of Emigrants may include any expenses incurred under this section in an order made under the last foregoing section with respect to the emigrant.

Compensation to emigrant for ill-treatment on journey.

52. If it appears that during the journey to the depôt any emigrant has suffered any ill-treatment, or that, in the case of any emigrant who has been registered at a place beyond the limits of the port of embarkation, the provisions of section 47 have not been complied with, the Protector of Emigrants may order the Emigration Agent to pay—

(*a*) to the emigrant a reasonable sum by way of compensation, and

(*b*) if any expenses have been incurred by or under the orders of the Protector on behalf of the emigrant by reason of the neglect to comply with the provisions of section 47, to the Protector the expenses so incurred.

Power for Protector to pay and recover expenses incurred on behalf of emigrant.

53. (1.) On failure of the Emigration Agent for twenty-four hours to comply with an order of the Protector for the payment of any sum to an emigrant under any of the last three foregoing sections, the Protector may pay the same to the emigrant.

(2.) Every sum paid by the Protector to an emigrant under sub-section (1), and, on failure of the Emigration Agent for twenty-four hours to comply with an order for payment thereof under the last foregoing section, every sum which the Protector may have ordered the Emigration Agent to pay to him under that section, shall be recoverable from the Emigration Agent with interest thereon at the rate of six per centum per annum from the date of payment.

(3) Further proof shall not be required by any Court in any such case than that the Protector gave the Emigration Agent an order to pay the sum, and that the Emigration Agent for twenty-four hours failed to comply with the order.

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* These words in sub-sections (1) and (2) of section 49 were substituted for the original words by Act XVIII. of 1890, s. 4.

CHAPTER IX.

EMIGRANT-VESSELS.

Master of emigrant-vessel to be licensed.

54. It shall not be lawful to receive any emigrant on board any vessel unless a license to carry emigrants in the vessel has been obtained from the Local Government.

Application for license.

55. (1.) When the master or owner of any vessel desires to obtain a license to carry emigrants in his vessel, he shall apply in writing through the Protector of Emigrants to the Local Government for the license.

(2.) The application must state the number of emigrants which, according to the rules as to space contained in this chapter, the applicant deems the vessel capable of carrying, and the tonnage and such other particulars respecting the vessel as the Governor General in Council, from time to time, by rules made under this Act, prescribes.

Survey and licensing of vessel.

56. (1.) The Protector of Emigrants shall cause the vessel to be surveyed by a competent person at the cost of the master or owner, with a view to ascertain her seaworthiness, and the extent and nature of her accommodation for emigrants, and to ascertain that she is properly ventilated, and is supplied with all the tackle, apparel and furniture requisite for her intended voyage:

* Provided that, if the vessel is a steam-ship having a certificate of survey granted by the Board of Trade or any British Colonial Government or under the Indian VII. of 1884. Steamships Act, 1884, † and in force and applicable to her intended voyage, the survey under this sub-section with a view to ascertain her seaworthiness shall not extend to her hull or machinery unless the Protector of Emigrants has reason to believe that, since the grant of the certificate, her hull or machinery has sustained injury or damage or has otherwise become inefficient.

(2.) If the Local Government is of opinion that the vessel is in all respects suitable for the carrying of emigrants under this Act, and is properly manned and officered, it shall give to the master of the vessel a license to carry emigrants therein specifying the number of emigrants which may be received on board.

Accommodation required on board emigrant-vessel.

57. (1.) A license shall not be granted under the last foregoing section unless—

(*a*) there is provided for the emigrants, either between decks or, subject to the approval of the Protector of Emigrants and the Medical Inspector, in cabins on the upper deck, a space devoted to the exclusive use of the emigrants having in every part a height of not less than six feet;

(*b*) a separate place is fitted up for a hospital; and

(*c*) such arrangements are made for the separation of women (married or single) and children from the other emigrants as the Governor General in Council, from time to time by rules made under this Act, prescribes.

(2.) The cabins on the upper deck provided under clause (*a*) of this section must be firmly secured and entirely covered in.

Rules as to space on board emigrant-vessel.

58. Every emigrant vessel must contain within the space referred to in clause (*a*) of the last foregoing section at least twelve superficial feet and seventy-two cubic feet of space for each emigrant:

Provided that two emigrants under the age of ten years shall for the purposes of this section count as one only.

Provisions, clothing, fuel, and water.

59. There must be on board every emigrant-vessel, at the time of departure of the vessel from the port at which they embark, provisions, clothing, fuel and water for the emigrants (over and above the supply for the master, officers and crew, and of the cabin and other passengers, if any), in such quantity and of such description and quality as the Governor General in Council, from time to time, by rules made under this Act prescribes.

Surgeons, attendants, medicines, and stores.

60. Every emigrant-vessel, must, at the time of departure of the vessel from the port at which the emigrants embark, have on board, and must carry with her, a properly qualified surgeon, and also such compounders, interpreters and attendants subordinate to the surgeon, and such medicines and other stores, in such quantity and of such quality as the Governor General in Council, from time to time, by rules made under this Act, prescribes.

Duty of Protector and Medical Inspector with respect to enforcement of foregoing sections.

61. The Protector of emigrants and the Medical Inspector of emigrants shall see personally that all the provisions of the last two foregoing sections are complied with.

Bond to be executed by master of emigrant-vessel.

62. (1.) Every master licensed under this Act, shall on the requisition of the Protector of Emigrants, and before any emigrant embarks on board his vessel, execute to the Protector, in duplicate, a bond, in such form as the Local Government, from time to time, prescribes, binding himself and the owner of the vessel in a penal sum of ten thousand rupees, to perform the duties imposed by this Act or any rule made under this Act on a master and owner respectively.

(2.) The Protector of Emigrants shall forward one copy of the bond to such officer as may be appointed in this behalf by the Government of the country to which the emigrants are to be conveyed, or, in the case of a foreign colony, to the British Consular Agent, and the other copy to the Local Government.

CHAPTER X.

EMBARKATION AND DEPARTURE.

Time of embarkation after arrival.

63. An emigrant shall not embark, except with the permission of the Protector of Emigrants, until seven days have elapsed from the date of his arrival at the depôt.

Time at which emigrant-vessels may leave India.

64. (1.) An emigrant-vessel shall not sail from any port in British India—

(*a*) to any country west of the Cape of Good Hope, except at such seasons as the Governor General in Council, from time to time, by rules made under this Act, prescribes as seasons during which it shall be lawful for emigrant-vessels generally, or of a class to which the vessel belongs, to sail to that country;

(*b*) to any country during any season which the Governor General in Council, from time to time, by notification in the Gazette of India, declares to be a season during which the sailing of emigrant-vessels to that country is prohibited.

Procedure if emigrant refuses to embark.

65. If any emigrant without sufficient cause refuses or neglects to embark when called on by the Emigration Agent to do so, it shall not be lawful to compel the emigrant to embark; but nothing in this section shall affect the civil or criminal liabilities which an emigrant incurs by reason or in respect of any such refusal or neglect.

List of, and passes for, emigrants.

66. (1.) When any emigrants are about to embark on board any vessel, the Emigration Agent shall supply the master of the vessel with four copies of a list, specifying as accurately as may be, the names, ages and occupations of the emigrants, and the names of their respective fathers.

(2.) The master shall not receive any emigrant on board unless he is provided with a pass, signed by the Emigration Agent, and countersigned by the Protector, stating the name and age of the emigrant, the name of his father, and the country to which he has agreed to emigrate, and certifying that he is in a fit state of health to undertake the voyage to that country.

(3.) Every emigrant shall on embarkation deliver the pass to the master.

(4.) The master shall compare the emigrants who embark and the passes delivered by them with the list supplied by the Emigration Agent; and, if the list appears to be correct and to correspond with the passes delivered and with the emigrants embarked, the master shall sign the four copies of the list.

(5.) The master shall not permit any emigrant to remain on board who has not delivered up his pass to the master or is not mentioned in the list.

Disposal of the two copies of list to be given by master to Protector.

67. (1.) When the copies of the list have been signed, the master shall give two of the copies to the Protector of Emigrants, who shall sign them if he believes them to be correct.

(2.) The Protector shall send one of the copies so

* This proviso was added to sub-section (1) of s. 56 by Act XVIII. of 1890, s. 5.

† For Act VII. of 1884, see the revised edition as modified up to 1st July, 1890, published by the Legislative Department.

signed by him by the vessel which carries the emigrants to such officer as may be appointed in this behalf by the Government of the country to which the emigrants have agreed to emigrate, or, in the case of a foreign colony, to the British Consular Agent, and shall file the other copy in his own office.

Disposal of the two copies of list to be given by master to Emigration Agent.

68. (1.) The master shall give to the Emigration Agent the two remaining copies of the list.

(2.) The Emigration Agent shall thereupon sign the copies, and shall return one of them to the master.

(3.) The master shall, on the arrival of the vessel at the country to which the emigrants have agreed to emigrate, and before their disembarkation, deliver the copy so returned to him to such officer as may be appointed in this behalf by the Government of the country, or, in the case of a foreign colony, to the British Consular Agent.

Examination of emigrants by Medical Inspector.

69. (1.) The Medical Inspector shall be present at the embarkation of all emigrants, and shall examine each emigrant to ascertain if he is in a fit state of health to undertake the voyage to the country to which he has agreed to emigrate; and, if he finds that he is not fit to undertake the voyage, he shall inform the Protector accordingly.

(2.) The Protector may thereupon refuse to permit the emigrant to embark; and any emigrant, registered as a dependent of an emigrant whom the Protector has refused to permit to embark, or any emigrant who, not being a dependent, is the father, mother, wife, husband, son, daughter, brother, sister, guardian or ward of the emigrant, may, notwithstanding anything in this Act, refuse to embark.

(3.) The provisions of sections 50, 51 and 53 shall apply to emigrants who under this section are not permitted to embark, and to any emigrants who under this section refuse to embark, and to the recovery of expenses incurred under this Act in respect of them.

70. [*Emigration Agent to deliver agreements to emigrate to master.*]—*Repealed by Act XVIII. of* 1890, *s.* 6.

Certificates from Protector of Emigrants and Emigration Agent.

71. Before any emigrant-vessel clears out of any port, the master of the vessel shall obtain from the Protector of Emigrants at the port, and from the Emigration Agent for the country to which the emigrants are to be conveyed, certificates signed by the Protector and Emigration Agent, respectively, to the effect that the Protector and Agent have, in respect of all the emigrants embarking at that port in the vessel, done all that is required by the foregoing provisions of this Act, or by the rules made under this Act, to be done on the part of the Protector and Agent, respectively, and that all the directions for the security, well-being and protection of emigrants which are contained in this Act or in the rules made under this Act have in the case of that vessel been complied with.

Copies of Act and rules to be kept on board.

72. The master of every emigrant-vessel shall keep on board the vessel during the whole voyage two copies of this Act, and of all rules made under this Act, and two copies of a translation of this Act, and of those rules, in such language or languages as the Local Government directs, and shall, on request made at any reasonable time, produce one of those copies to any emigrant for his perusal.

Fee for each embarked emigrant.

73. For each emigrant who embarks on board an emigrant-vessel the Emigration Agent shall pay to the Protector of Emigrants a fee of such amount as the Governor General in Council, from time to time, by notification in the "Gazette" of India, prescribes:

Provided as follows:—

(*a*) the fee payable under this section shall not be more than is, in the opinion of the Governor General in Council, sufficient to raise the total income from fees under this Act to an amount which will cover the cost of any establishment or supervision which the Governor General in Council thinks necessary to provide for the control of emigration:

(*b*) if it appears to the Governor General in Council expedient to provide, in the case of any country, any special establishment or expenditure for the protection of Indian emigrants to that country, the Governor General in Council may increase the fee payable in the case of emigrants to that country to an amount sufficient, in his opinion, to cover the cost of the special establishment or expenditure.

Duty of master to see to observance of Act and rules on board his vessel.

74. It shall be the duty of every master licensed under this Act to see that all the provisions of this Act and the rules made under this Act are observed on board his vessel during the voyage from British India to the country to which the emigrants are to be conveyed.

Return of pass to emigrant.

75. The master shall return his pass to each emigrant before he disembarks in the country to which he has agreed to emigrate.

Special Provisions as to Vessels sailing from Calcutta.

Emigrant-vessel sailing from Calcutta to depart within twenty-four hours of embarkation.

76. The master of every vessel carrying emigrants from the port of Calcutta shall proceed on his voyage and depart with his vessel from Garden Reach within twenty-four hours after the embarkation of such of the emigrants as have first embarked.

Emigrant-vessel sailing from Calcutta to be towed to sea.

77. Every sailing-vessel leaving the port of Calcutta with emigrants shall proceed from Garden Reach to sea under tow of a steamer declared to be competent by such officer as the Local Government appoints in this behalf.

Power of surgeon of emigrant-vessel leaving Calcutta to require sick emigrants to be sent to hospital.

78. (1.) When an emigrant-vessel leaves the port of Calcutta, if during her passage down the river, and while between Garden Reach and Diamond Harbour, the disease of measles, scarlet-fever or small-pox appears on board, the master shall, if so required by the surgeon in charge of the emigrants, send to the hospital at Diamond Harbour all emigrants suffering from the disease, with any emigrants registered as their dependents, and any emigrant who, not being a dependent, is the father, mother, wife, husband, son, daughter, brother, sister, guardian or ward of any such emigrant and who wishes to accompany him or her, and shall at once inform the Protector of Emigrants at Calcutta of the number and names of the emigrants so sent to hospital.

(2.) The provisions of sections 50, 51 and 53 shall, so far as may be, apply to emigrants landed under this section, and to the recovery of expenses incurred in respect of them.

Power of surgeon of emigrant-vessel leaving Calcutta to require all emigrants to be landed when cholera appears.

79. (1.) In the event of cholera in an epidemic form appearing among the emigrants on board any such vessel carrying emigrants from the port of Calcutta, the surgeon in charge of the emigrants may require the master to land all the emigrants on board the vessel at Diamond Harbour.

(2.) The master shall at once comply with the request of the surgeon, and shall immediately give notice of his having done so to the Protector of Emigrants at Calcutta, who shall take such action thereon as the Governor General in Council, from time to time, by rules made under this Act, prescribes.

CHAPTER XI.

RULES.

Power for Governor General in Council to make rules.

80. (1.) The Governor General in Council may, from time to time, make rules consistent with this Act—

(*a*) to provide for the supervision and regulation of places of accommodation provided under this Act, and to define the classes of Magistrates and the officers of Police to be authorized to visit and inspect those places;

(*b*) to prescribe the form of the register required under this Act, and the particulars to be entered therein, and to regulate the control to be exercised over Registering Officers by the District Magistrate or officer (if any) appointed in this behalf under this Act;

(*c*) to prescribe the forms of the agreements to be made under this Act, and the particulars to be contained therein and the language or languages in which agreements must be expressed;

(*d*) to prescribe the conditions on which licenses for the establishment of depôts under this Act may be given, to provide for the supervision and regulation of depôts, and for the medical care of the emigrants during their residence there, and the measures to be taken

on the outbreak of any epidemic or infectious disease there;

(*e*) to prescribe the forms to be supplied by Emigration Agents and recruiters for the purposes of this Act;

(*f*) to prescribe the particulars which the owner or master of a vessel applying for a license to carry emigrants in his vessel must state;

(*g*) to regulate the proportion of women to be ordinarily carried in any emigrant-vessel with male emigrants, and to prescribe the arrangements to be made for the separation of women (married or single) and children from the other emigrants on board an emigrant-vessel;

(*h*) to prescribe the description, quantity and quality of provisions, fuel and water to be taken by emigrant-vessels, the daily allowance of food and water to be issued, and the nature and amount of clothing to be supplied to each emigrant during the voyage;

(*i*) to fix the number of the compounders, interpreters and attendants subordinate to the surgeon to be carried for the care of the sick or weakly on board each emigrant-vessel;

(*j*) to prescribe the nature, quantity, and quality of medicines and other stores to be carried on board emigrant-vessels;

(*k*) to provide for the ventilation and cleanliness of every emigrant-vessel during a voyage, and for its being furnished with a sufficient number of life-buoys, boats, water-buckets and other appliances to be used in case of shipwreck or fire;

(*l*) to prescribe the seasons at which alone emigrant-vessels or specified classes of emigrant-vessels may sail from any port in British India to any country west of the Cape of Good Hope to which emigration is for the time being lawful;

(*m*) to provide for the disposal of emigrants who may be landed under section 79;

(*n*) to provide for the medical care of the emigrants on the voyage, and to provide for the measures to be taken on the outbreak of any epidemic or infectious disease on a voyage;

(*o*) to provide for a journal being kept by the surgeon of every emigrant-vessel, recording the health of the emigrants, and his treatment of the sick, with full explanation of the causes of every death; and to define the duties and powers of the surgeon in respect of the emigrants committed to his care;

(*p*) to define and regulate the powers and duties of the several officers appointed by the Government under this Act; and,

(*q*) generally to provide for the security well-being and protection of emigrants:

Provided that the Local Government may, in special cases, notwithstanding anything contained in rules made under clause (*g*) of this section, permit an emigrant-vessel to sail though it does not carry the proportion of women required to be carried in ordinary cases.

(2.) The power to make rules conferred by this section may be exercised at any time after the passing of this Act, but any rule made under this section shall not take effect until the Act comes into force.

Publication of drafts and rules.

81. (1.) The Governor General in Council shall, before making rules under the last foregoing section, publish a draft of the proposed rules in such manner as may, in his opinion, be sufficient for the information of persons likely to be affected thereby.

(2.) There shall be published with the draft a notice specifying a date at or after which the draft will be taken into consideration.

(3.) The Governor General in Council shall receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(4.) Every rule made under the last foregoing section shall be published in the Gazette of India, and the publication in the Gazette of India of a rule purporting to be made under that section shall be conclusive evidence that it has been duly made.

CHAPTER XII.

OFFENCES.

Unlawful recruiting.

82. (1.) Whoever, except in conformity with the provisions of this Act or of the rules made under this Act,—

(*a*) makes, or attempts to make, any agreement with any Native of India, purporting to bind him to emigrate, or

(*b*) in consideration of any hire or reward, induces, or attempts to induce, any Native of India to leave any place for the purpose of emigrating, or otherwise acts, or is employed as a recruiter of emigrants, or

(*c*) in consideration of any hire or reward, receives into or detains in any place, or, being a recruiter, in any place other than a place in which accommodation has been provided in accordance with this Act or the rules made under this Act, any person with a view to his being registered as an emigrant, or after his registration as an emigrant and before his departure for the depôt at the port of embarkation,

shall be punished with fine which may extend to five hundred rupees.

(2.) If any person, other than a recruiter licensed under this Act, commits an offence under this section, any Police-officer may arrest him without warrant.

Recruiters removing unregistered emigrants to depôt.

83. Whoever, being a recruiter licensed under this Act,—

(*a*) removes, or attempts to remove, any intending emigrant to a depôt before he has been registered under this Act as an emigrant, or induces, or attempts to induce, him to leave the local limits of the jurisdiction of the Magistrate by whom the recruiter's license has been countersigned before he has been so registered, or aids, or attempts to aid, him in leaving any such local limits or going to any depôt before he has been so registered, or

(*b*) fails to give a true copy of the statement with which he is provided under section 26 to any person whom he invites to emigrate, or

(*c*) fails to provide any emigrant whom he has engaged, and who has been registered at a place beyond the limits of the port of embarkation, with suitable lodging and food, or otherwise ill-treats any emigrant on his journey to the depôt,

shall be punished with fine which may extend to five hundred rupees.

Fraudulently inducing native to emigrate.

84. (1.) Whoever, by means of intoxication, coercion or fraud, causes or induces, or attempts to cause or induce, any Native of India to emigrate, or to enter into any agreement to emigrate, or to leave any place with a view to emigrating, shall be punished with imprisonment for a term which may extend to one year, or with fine, or with both.

False representation of Government authority.

85. Whoever, without lawful authority, issues any written order to the Police to assist himself or any other person to procure emigrants, or falsely represents that any emigrants are required by the Government or are to be engaged on behalf of the Government, shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Receiving emigrants on board vessel in contravention of Act.

86. If any master of a vessel—

(*a*) knowingly receives on board his vessel any emigrant who has not complied with the provisions of this Act or the rules made under this Act, so far as they are binding on him, or

(*b*) not being licensed under this Act, knowingly receives any emigrant on board his vessel, or

(*c*) being licensed under this Act, knowingly receives on board his vessel any emigrant in excess of the number specified in his license,

he shall be punished with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees for each emigrant so received, or with both; and the vessel, her tackle, apparel and furniture, may be declared by the Court before which the master is tried to be forfeited to Her Majesty.

Fraudulent acts on part of master.

87. If any master licensed under this Act fraudulently does, or suffers to be done, any act or thing whereby the license becomes inapplicable to the altered state of the vessel or other matter to which the license relates, he shall be punished with fine which may extend to five thousand rupees;

and he may also be sued on any bond which he may have executed under section 62.

Clearance without compliance with Act.

88. If any master of an emigrant vessel clears, or attempts to clear, his vessel outwards when any of the provisions of sections 57, 59 or 60 have not been complied with in respect of his vessel, he shall be punished with fine which may extend to four thousand rupees.

Failure of master to comply with provisions as to lists and passes.

89. If any master receives on board his vessel any emigrants and fails to comply with the requirements of sections 66, 67, and 68 in respect of those emigrants, he shall be punished with fine which may extend to two hundred rupees for each emigrant so received on board.

Master taking on board, after clearance, emigrants not entered in list.

90. If any master, having cleared his vessel, takes on board any emigrant not entered in the list mentioned in section 66 or not furnished with a pass required by that section, he shall be punished with fine which may extend to two hundred rupees for each emigrant so taken.

Master landing emigrant at other than specified country.

91. If any master lands any emigrant in any country other than the country for which he has been shipped by the Emigration Agent, he shall be punished for every emigrant so landed with fine which may extend to two hundred rupees, or with imprisonment for a term which may extend to one month, or with both, unless the landing has been caused by stress of weather or unavoidable accident, or has taken place under the provisions of section 78 or 79.

Failure to comply with provisions as to leaving Calcutta.

92. If any master of a sailing-vessel leaving the port of Calcutta with emigrants on board—

(*a*) does not leave Garden Reach with his vessel within the time prescribed in section 76, or

(*b*) without reasonable excuse, causes or allows his vessel to go below Garden Reach without being in tow of such a steamer as is referred to in section 77.

he shall be punished with fine which may extend to one thousand rupees.

Emigrant deserting or refusing to proceed to depôt.

93. (1.) If any emigrant deserts before arrival at depôt, or refuses without reasonable cause to proceed to the depôt, he shall be punished with fine which may extend to twenty rupees, or to the cost incurred in entering into an agreement with, registering and conveying him to the depôt, whichever is greater, and, in default of payment of the fine, with imprisonment which may extend to one month.

(2.) Any fine levied under this section may, in the discretion of the convicting Magistrate, be paid to the Emigration Agent or recruiter by whom the cost was incurred.

Emigrant deserting from depôt or failing to embark.

94. (1.) If any emigrant—

(*a*) deserts from the depôt, or

(*b*) without reasonable cause, refuses or neglects to embark when called upon to do so by the Emigration Agent,

he shall be punished with imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees, or to double the amount of the cost incurred in entering into an agreement with, registering and conveying him to the depôt, and maintaining him therein, or with both.

(2) Any fine levied under this section may, in the discretion of the convicting Magistrate, be paid to the Emigration Agent or recruiter by whom the cost was incurred.

Causing, or permitting, embarkation of emigrant in contravention of section 63.

95. If any person causes, or if any master knowingly permits, any emigrant to embark contrary to the provisions of section 63, he shall be punished with fine which may extend to two hundred rupees for each emigrant so embarked.

Institution of prosecutions.

96. (1.) Prosecutions under sections 86 to 95 (both inclusive) shall not be instituted except as follows, namely:—

(*a*) prosecutions under sections 86 to 92, both inclusive, by the Emigration Agent, or by the Protector of Emigrants, or by an officer appointed for the purpose by the Local Government;

(*b*) prosecutions under section 93, by or with the sanction of a Magistrate or Registering Officer or of the Protector of Emigrants at the port of embarkation;

(*c*) prosecutions under section 94, by the Emigration Agent with the sanction of the Protector;

(*d*) prosecutions under section 95, by the Protector of Emigrants or by an officer appointed for the purpose by the Local Government.

Defence to charges of desertion.

97. The following shall be good defences to charges under sections 93 and 94, respectively, namely:—

(*a*) to a charge under section 93, that the accused person or other emigrants accompanying him has or have been ill-treated, deceived or defrauded by the recruiter or any person under his control;

(*b*) to a charge under section 94, that the emigrant has suffered any ill-treatment or neglect in the depôt or on the journey thither.

Power for Customs-officers to search and detain for purposes of Act.

98. All the powers for the time being conferred by law on officers of sea-customs with regard to the searching and detention of vessels, or otherwise for the prevention of smuggling on board thereof, may be exercised by those officers for the prevention of offences against this Act.

CHAPTER XIII.

SUPPLEMENTAL.

Power for Local Government to appoint Magistrates for purposes of Act.

99. The Local Government may, from time to time, appoint any person, by name or by virtue of his office, to perform within a specified local area the functions of a magistrate under this Act.

Suits against Emigration Agent for breach of duty.

100. (1.) Whenever an Emigration Agent is chargeable with a breach of any duty to an emigrant arising from any agreement with the emigrant or imposed by this Act or the rules made under this Act, the Protector of Emigrants may, if he thinks fit, institute a suit on behalf of the emigrant against the Emigration Agent for the recovery of compensation for the breach.

(2.) In awarding compensation under this section all sums ordered to be paid under section 50 or section 52 shall be taken into consideration.

Power for Governor General in Council to determine probable lengths of voyages for purposes of Act.

101. (1.) The Governor General in Council may, from time to time, by notification in the Gazette of India, determine what shall be held to be, for the purposes of this Act, the probable length of the voyages by sailing-vessels and vessels using steam-power, respectively, from any port from which, to any country to which, emigration is for the time being lawful.

(2.) Until otherwise determined under this section, the probable length of the voyage by sailing-vessels from the ports mentioned in the third schedule hereto annexed, to the countries mentioned in that schedule, shall be deemed to be the lengths stated in that schedule.

Provision supplementary to section 6 (1.) of this Act.

* 102. (1.) On and from such a date as the Governor General in Council may, by notification in the Gazette of India, fix in this behalf with respect to any protected Native State adjoining the Straits Settlements, or with respect to any British colony or possession for labour in which Natives of India are recruited exclusively through the agency of the Goverment of the Straits Settlements, a Native of India who departs by sea out of British India under an agreement to labour for hire in any such State, colony or possession shall not, so long as the notification continues to apply to the State, colony or possession, be deemed to emigrate within the meaning of this Act.

(2). The Governor General in Council may, by notification in the Gazette of India, declare that from a date to be specified a notification under sub-section (1.) shall no longer apply to a Native State or British colony or possession therein mentioned.

Application of Act to emigration from British ports to French and Dutch Colonies.

103. The provisions of this Act shall apply to emigration from British Indian ports—

(*a*) to the French colonies, under the terms of the Convention executed at Paris on the first day of July, 1861, and ratified at the same place on the 30th day of July, 1861, between Her

* This section was substituted for the original s. 102 (as amended by Act XXI. of 1884) by Act XVIII. of 1890, s. 7. For saving of notifications, see *ib.*, s. 8.

Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of the French; and

(*b*) to the Netherlands colony of Dutch Guiana, under the terms of the Convention executed at the Hague on the 8th day of September, 1870, and ratified at the same place on the 17th day of February, 1872, between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and His Majesty the King of the Netherlands:

Provided that, in any case in which there is any conflict between the provisions of this Act and those contained in either of those Conventions, the latter shall prevail.

Application of Act to proceedings in British India connected with emigration from French ports in India to French colonies.

104. The provisions of this Act shall, so far as they relate to proceedings which are to be conducted in British India, apply in the case of Natives of India who depart by sea from a French port in India under an agreement to labour for hire in a French colony, under the Convention between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and His Majesty the Emperor of the French referred to in the last foregoing section, as if such Natives were emigrants within the meaning of this Act:

Provided that, in any case in which there is any conflict between the provisions of this Act and those contained in that Convention, the latter shall prevail.

Prohibition of departure by land of a Native of India under an agreement to labour for hire in some country beyond the sea.

105. (1.) The departure by land out of British India of a Native of India under a contract to labour for hire in some country beyond the sea other than the Island of Ceylon or the Straits Settlements is prohibited:

Provided that nothing in this section applies to the departure by land—

(*a*) of a domestic servant when accompanying his employer;

(*b*) of a Native of India for the purpose of departing by sea from a French port in India under an agreement to labour for hire in a French colony in accordance with the Convention referred to in * section 103, clause (*a*), and section 104. *

(2). Whoever induces, or attempts to induce, any Native of India to depart by land out of British India in contravention of this section shall be deemed to have committed an offence under section 82.

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2. *Straits Settlements Ordinance of* 1891.

An Ordinance to regulate Chinese Labour on Agricultural Estates. [*5th November* 1891.]

WHEREAS it is expedient to make provision by law for the protection of Chinese labourers employed on agricultural estates in the Colony:

It is hereby enacted by the Governor of the Straits Settlements with the advice and consent of the Legislative Council thereof as follows:—

Short title and commencement of Ordinance.

1. This Ordinance may be cited as "The Chinese Agricultural Labourers Protection Ordinance 1891" and shall come into operation on a day to be fixed by Order of the Governor in Council.

Interpretation.

2. In this Ordinance unless the context otherwise requires:—

"Labourer" means a Chinese person employed to labour on an estate where agricultural operations are carried on but shall not include domestic servants.

"Employer" means the person for whose service a contract of service is entered into and in his absence from the estate includes his agent or manager or other person in charge of the business on the estate.

"Contract of service" means a contract made between an employer and a labourer under this Ordinance.

"Magistrate" means a Magistrate sitting in a Police Court.

"Medical Officer" means a medical officer appointed or acting under this Ordinance.

"The Protector" means the officer for the time being performing the duties of Protector of Chinese Immigrants and includes the officer performing the duties of Assistant Protector of Chinese Immigrants at any Settlement.

The expression "a day's work" means either work for a day of nine hours or a task which is approved by the Protector under section fifteen for the estate on which the labourer is for the time being working as being equivalent to such work and a labourer shall be deemed to have done "a day's work" who has laboured for nine hours in a day or has performed such a task as aforesaid.

Ord. 1 of 1882. Contracts of service to be subject to provisions of Labour Contracts Ordinance 1882.

3. Except as in this Ordinance expressly provided every contract of service shall be subject to the provisions of "The Labour Contracts Ordinance 1882" and every breach thereof shall be punishable in manner provided by that Ordinance.

Contracts of service not in prescribed form to be void.

4. (1)—Where any contract of service is in writing it shall be in accordance with a form prescribed otherwise the same shall be void and of no effect.

(2)—No contract of service shall be for a longer period than twelve months or in the alternative three hundred and thirty days' work.

Complaints by labourers against employers.

5. (1)—If any labourer desires to make a complaint to a Magistrate and requests his employer to take him or allow him to go before the nearest Magistrate such employer shall be legally bound to comply with such request within a reasonable time thereafter.

(2)—Any employer who without reasonable excuse (the proof of which shall lie with him) omits to comply with such request as in this section is mentioned shall be punished with fine which may extend to one hundred dollars and with a further fine which may extend to twenty-five dollars for each day during which such omission is continued.

(3)—If the Magistrate before whom a labourer comes or is brought under this section is of opinion that the complaint is frivolous he may award to the employer compensation to be paid by the labourer to an amount not exceeding ten dollars for any loss or damage which he may have sustained by reason of the absence from work of the labourer or otherwise by reason of the complaint.

Complaints by employers against labourers.

6. (1)—If any employer desires to make a complaint to a Magistrate against a labourer he may apprehend and take such labourer before the nearest Magistrate.

(2)—If it appears to the Magistrate that there was no sufficient ground for apprehending and bringing such labourer before him he may award to the labourer compensation to be paid by the employer to such labourer to an amount not exceeding ten dollars.

Magistrate may order payment of costs of arrest of absconding labourer.

7. If a labourer absconds and is convicted thereof before a Magistrate the Magistrate may in addition to any other penalty which he may impose order the labourer to pay to the employer such reasonable sum not exceeding fifteen dollars as may be proved to his satisfaction to have been expended by the employer in effecting the labourer's arrest.

Ord. 1 of 1882. Provisions of Section 27 of Ordinance 1 of 1882 not to apply in certain cases.

8. No labourer shall under the provisions of section twenty-seven of "The Labour Contracts Ordinance 1882" or of sections thirteen or twenty-one of this Ordinance be detained for more than twenty-four months under one and the same contract of service.

Notice of employment of twenty labourers to be given to the Protector.

9. (1)—Every employer who at the commencement of this Ordinance employs twenty labourers or upwards shall forthwith after the passing of this Ordinance forward to the Protector a notice stating the number of labourers so employed by him and every employer who after the passing of this Ordinance shall employ twenty labourers or upwards shall forthwith after such employment give a similar notice.

(2)—Any person making default in giving a notice required by this section shall be punished with fine which may extend to one hundred dollars.

Register be kept by employer.

10. (1)—Every employer who employs twenty labourers or upwards shall keep a register in the prescribed form of all labourers employed on the estate.

(2)—Every such employer shall within the first seven days of the months of January April July and October in every year forward to the Protector a return giving the particulars of every death desertion dismissal or expiry of contract of a labourer which has occurred on his estate during the three months immediately preceding the month in which the return is to be made.

(3)—Every person who omits duly to make the

* These references in s. 105, cl. (*b*), were substituted for the original reference by Act XVIII. of 1890, s. 9.

prescribed entries in such register and every person who omits duly to forward such returns as are in this section mentioned or omits to give any of the particulars in this section mentioned shall be punished with fine which may extend to one hundred dollars for every such omission.

Protector's powers of inspection.

11. The Protector or any Officer authorised by him in writing shall have at all times the right to enter upon and visit every estate on which labourers are employed and every part thereof and to enter all buildings thereon for the purpose of inspecting the condition thereof and of the labourers employed thereon and also for the like purpose shall have at all times the right to enter into and upon all coolie lines and other places where labourers reside whether such lines and places are situate on the estate or not.

Employers to produce books, &c. to Protector when required.

12. (1)—Every employer shall once in every year on receiving forty-eight hours' notice in writing signed by the Protector and also at all times on receiving a like notice signed by the Colonial Secretary or Resident Councillor muster and produce before the Protector or other Officer named in such notice all labourers employed by him and also shall at the same time and whenever requested by the Protector produce to the Protector or such other Officer as aforesaid all contracts registers books of account and other documents referring to his labours and shall be legally bound to answer all such questions as the Protector may put to him respecting the same or in any wise relating to his labourers.

(2)—An employer who without reasonable excuse (the proof of which shall lie with him) refuses or neglects to comply with any request or to answer any question made or put to him by the Protector under the provisions of this section shall be punished with fine which may extend to two hundred dollars for every offence.

Advances to be worked off

13. (1)—Where by a written contract of service a labourer is bound to repay to the employer the specified amount of certain advances already made to him or on his behalf and such amount shall not have been repaid at the expiration of the period for which the contract is made such period shall be deemed to be extended and the contract to be in force until such time as the whole of such amount shall have been repaid.

(2)—In every such case the employer shall at the expiration of the original period of service endorse on the contract the amount remaining due and shall within one month thereafter give notice thereof in writing to the Protector.

Days and hours of labour.

14. (1)—No labourer shall be bound to work more than nine hours a day of actual labour and shall be allowed without any deduction of pay two days in each Chinese Moon as holidays together with the usual Chinese holidays.

(2)—If a labourer works for and at the request of his employer more than nine hours in any one day he shall be paid for such extra work at the rate of two cents an hour.

Task work.

15. (1)—The Protector may approve for any estate a schedule of tasks equivalent to work for a day of nine hours. Such schedule shall be written in English and Chinese and signed by the Protector and copies thereof shall be fixed up in conspicuous places in or about the estate and in the coolie lines so that the same may be known to the labourers working on the estate.

(2)—The employer may whenever he thinks fit direct the labourer to perform a task instead of working by the day and the performance of such a task shall for the purposes of this Ordinance and of any contract thereunder be equivalent to working for a day but so that no labourer shall be compelled to work more than nine hours in any one day.

Labourer may determine written contracts on payment of advances and of smart money.

16. (1)—A labourer whose contract of service is for a definite period shall be entitled to determine such contract at any time on giving one month's notice and on payment to the employer of all advances (if any) made to him or on his behalf which the labourer by his contract has agreed to repay and also on payment of an additional sum of twenty-five dollars by way of smart money.

(2)—Every employer shall be bound within a reasonable time after request by a labourer to furnish him with an account showing what moneys (if any) are due by such labourer to the employer for advances.

(3)—Any employer who without reasonable excuse (the proof of which shall lie with him) refuses or neglects to furnish such account having been so requested as aforesaid or who shall knowingly furnish an incorrect account and every employer who without reasonable excuse (the proof of which shall lie with him) refuses to allow a labourer whose contract has been determined to leave his service shall be punished with fine which may extend to one hundred dollars for each offence.

Provision to be made by employer.

17. (1)—The employer shall be bound to provide for the labourer to the satisfaction of the Protector:—

(*a*) Sufficient and proper house accommodation.
(*b*) A sufficient supply of wholesome water.
(*c*) Sufficient and proper sanitary arrangements.
(*d*) A sufficient quantity of ordinary medicines of good quality.

And if required by the Protector.

(*e*) Hospital accommodation.
(*f*) Medical attendance.

(2)—An employer who without reasonable excuse (the proof of which shall lie with him) shall refuse or neglect to comply with any of the requirements of this section shall be punished with fine which may extend to one hundred dollars and also with a further fine which may extend to twenty-five dollars for every day during which such refusal or neglect shall continue.

Labourer in hospital.

18. If a labourer be received for medical treatment in a Government Hospital the expenses attending the feeding and medical care of such labourer shall be paid for by his employer at such rate as the Governor may from time to time prescribe by notification in the "Gazette." Such expenses whatever the amount shall be recoverable from the employer in a Court of Requests at the suit of the Protector and the certificate of the Protector shall be sufficient *primâ facie* evidence that the amount therein specified is due from the employer.

Removal of labourer to hospital.

19. If it shall at any time appear to a Medical Officer or the Protector that a labourer is suffering from a contagious or infectious disease or that it is otherwise proper for his health that he should be attended to in hospital such labourer shall forthwith be placed in such hospital as such Medical Officer may direct and shall be detained therein for treatment until discharged by order in writing under the hand of the Medical Officer.

Temporary incapacity.

20. Any labourer who is declared by a Medical Officer to be incapacitated for work by sickness or other sufficient cause shall be entitled to be received into and kept in hospital where he shall be fed and clothed at the expense of the employer during such incapacity but shall not be entitled to any wages for such period.

Absence from sickness.

21. (1)—If any labourer is compelled to absent himself from work on account of sickness for a period or periods exceeding the total number of thirty days in any one year and the employer as soon as such number is exceeded gives such labourer notice to that effect the Protector shall from time to time endorse on the contract of such labourer after such inquiry as may be necessary the number of days of absence in excess of thirty.

When result of immorality.

(2)—If the absence from work of a labourer for any period is certified by a Medical Officer to be the direct result of the labourer's intemperance immorality or wilful misconduct the Protector may endorse on the contract of such labourer after such inquiry as may be necessary the period of such absence.

(3)—Any period endorsed on the contract under this section shall be excluded from the computation of the period of the contract.

Ord. 4 of 1871. Protector and officers to be public servants.

22. For the purposes of this Ordinance and of the Penal Code the Protector and all officers authorised by him in writing under this Ordinance shall be deemed to be public servants.

Ord. 13 of 1872. Estate to be deemed a public place.

23. For the purposes of section forty of "The Summary Criminal Jurisdiction Ordinance 1872" an estate on which twenty or more labourers are employed shall be deemed a public place.

Conviction to be endorsed on contract.

24. Whenever a labourer under a written contract of service is convicted of any offence the Court before which such conviction is had shall endorse on the contract a memorandum of the conviction and sentence.

Labourer after imprisonment to be handed over to employer.

25. On the determination of any imprisonment to which a labourer under a contract of service is sentenced it shall be the duty of the officer in charge of the prison to make such labourer over to any person appointed by

his employer to receive charge of him or at the expense of the employer to return him to the estate under charge of the Police.

Trial of offences.

26. All offences against this Ordinance shall be tried summarily before a Magistrate or Court of two Magistrates.

Person charged may give evidence on his own behalf.

27. Any person charged with an offence against this Ordinance may if he thinks fit tender himself to be examined on his own behalf and thereupon may give evidence in the same manner and with the like effect and consequences as any other witness.

Rules.

28. (1)—The Governor in Council may make rules in respect of all or any of the following matters:—

(*a*) the forms of register to be kept by employers and the particulars to be entered therein;

(*b*) the forms of contracts of service;

(*c*) the days which are to be deemed usual Chinese holidays for the purpose of this Ordinance;

(*d*) the periodical inspection of estates on which labourers are employed and of the coolie lines in which labourers reside; and

(*e*) generally in relation to any matters whether similar or not to those above-mentioned as to which it may be expedient to make rules for carrying into effect the objects of this Ordinance.

(2)—In making a rule under this section the Governor in Council may direct that a breach of it shall be punishable with fine which may extend to one hundred dollars and when the breach is a continuing breach with a further fine which may extend to ten dollars for every day after the first during which the breach continues.

(3)—Every rule made under this section shall be published in the "Gazette" and shall have the same force and effect as if enacted in this Ordinance unless and until it shall be disallowed by a Resolution of the Legislative Council.

Payments ordered to be made by labourer to employer under sections 5 and 7 to be treated as advances.

29. When a labourer under a written contract of service is ordered to pay to his employer any moneys under the provisions of sections five or seven the Court making such order shall endorse on the labourer's contract the amount so to be paid and such amount shall be deemed to be advances made by the employer to the labourer and section thirteen shall be applicable thereto.

Passed this 5th day of November, 1891.

E. M. Merewether,
Acting Clerk of Councils.

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3. *Saint Lucia Consolidated Immigration Ordinance of* 1891.

[20*th March* 1891.

BE it enacted by the Governor with the advice and consent of the Legislative Council of Saint Lucia, as follows:—

Preliminary.

Short Title.

1. This Ordinance may be cited as the Immigration Ordinance, 1891.

No. 8, 8th September, 1880 repealed.

2. The Immigration Ordinance, 1880, is hereby repealed.

Interpretation of terms.

3. In this Ordinance, unless the context otherwise requires,—

"Protector of Immigrants" includes any assistant protector of immigrants;

"Magistrate" includes any justice of the peace having authority to act in the matter;

"The Magistrate of the district" and "the magistrate" mean the stipendiary magistrate appointed to act for the district;

"Police Constable" includes a rural constable;

"Ship" includes a sea-going vessel of any description;

"Estate" includes any sugar or cacao estate in cultivation, or any two or more such estates if adjacent to each other and managed as one estate, or any other piece of land in cultivation under one management of the extent of at least five acres, and also any cattle or sheep farm, or any wood-cutting establishment, or any sugar factory;

"Employer" includes the proprietor or lessee of any estate, or the attorney of such proprietor, and the manager for the time being of such estate;

"Manager" includes the person for the time being having the personal charge or superintendence of an estate, and any overseer acting under his authority;

"Immigrant" includes any person introduced into the colony either wholly or in part at the expense of the immigration fund, and the children of such immigrant;

"Indenture" and "Indentured" indicate a contract of service registered under this Ordinance, and a person subject to such contract respectively;

"Adult" means an immigrant of or above the age of fifteen years;

"Minor" means an immigrant under the age of fifteen years and of or above the age of ten years;

"Infant" means an immigrant under the age of ten years;

"Adult," "Minor," and "Infant" respectively include an immigrant of uncertain age, who has been estimated by the protector of immigrants to be an adult, minor, or infant, as the case may be;

"Excessive Death Rate" is when the annual death rate of an estate for two years exceeds six per cent., or when the mean annual death rate of such estate for two years exceeds by one per cent. the mean death rate of the indentured immigrants of the district in which the estate is situated, or when the number and causes of death at any time prove the estate to be unhealthy or unsuitable for the residence of Indian immigrants;

"Habitual Idler" means an immigrant in good health, who absents himself from work twenty days in any one month or in two months in succession.

Forms—Schedule.

4. (1.) The several forms contained in the schedule to this Ordinance shall be used for and in respect of the several matters in this Ordinance upon which reference is made to them in the margin by the respective numbers of such forms.

(2.) The protector of immigrants may, with the approval of the Governor in Council, from time to time cause such forms to be varied or altered, and also any additional forms to be framed, as occasion may require, for the purpose of carrying out the provisions of this Ordinance, and such varied, altered, or additional forms shall have the same force and effect as if they were contained in the schedule to this Ordinance: Provided that every such form shall be first published in the Gazette, and that copies thereof shall be sent by the protector of immigrants to all persons who may be required by this Ordinance under penalties to fill up and use any form for which such form may have been substituted.

Regulations authorised.

5. The Governor in Council may at any time pass such regulations as may be deemed necessary for the efficient carrying out of the provisions of this Ordinance, and may in such regulations provide for a penalty not exceeding fifty pounds in respect of the breach or neglect of any such regulations.

Tenure of office of officers.

6. All officers to be appointed under this Ordinance shall hold office during pleasure; but nothing herein contained shall invalidate the appointments of any such officers now employed, or shall be held to require them to be reappointed.

PART I.

Immigration and Emigration Departments.

Appointment, salary, &c., of protector of immigrants.

7. (1.) The Governor may from time to time appoint some fit and proper person to be protector of immigrants.

(2.) The protector of immigrants shall receive such salary and such allowance for travelling expenses, as may be assigned to him by the Governor with the consent of the Legislative Council.

(3.) The protector of immigrants shall give such security, in such an amount and in such manner as may be determined by the Governor in Council, for the faithful performance of his duties, and for the due accounting for and paying over of all sums of money received by him.

General duties of protector of immigrants.

8. The protector of immigrants shall keep a register, in which he shall insert the names of all immigrants who have been and who may be hereafter introduced into this colony at the public expense, and shall register

each of such immigrants by a particular number, commencing with the number 1, and proceeding by regular numerical progression, and shall distinguish therein, under different heads, the number, name, age, and sex, of every such immigrant and the time when, and the place from which, and the vessel in which such immigrant shall have arrived, the original and subsequent assignments of such immigrant, and also the amount of money, if any, which may have been advanced to such immigrant previous to his embarkation, and which is to be repaid by such immigrant out of his wages in this Colony.

(2.) The protector of immigrants shall likewise record in other registers the births and deaths occuring amongst all such immigrants, and such particulars in respect of such births and deaths as may be necessary.

(3.) It shall be the duty of the protector of immigrants, subject to the control of the Governor, once in every three months, upon some day of which he shall have given previous notice to the manager, to visit every estate upon which there may be any immigrants under indenture, to receive and take cognisance of the complaints of immigrants, and thereupon to give advice, to conduct investigations, and to institute prosecutions as the circumstances may require; to assist the magistrate, if required, in the estimation of wages; and to exercise and perform such other functions and duties relating to immigration matters as are prescribed in this Ordinance or may be intrusted to him by the Governor.

Powers of the protector of immigrants as to visiting estates, hospitals, &c.

9. (1.) The protector of immigrants may at any time enter into and upon any estate on which immigrants may be employed, and inspect the state, condition, and general treatment of the immigrants thereon, and the state and condition of their dwelling-houses and yards, and may order any sick immigrant to the hospital, and may inquire into any complaint which the employer may have to make against any immigrant, or which any immigrant may have to make against the employer, or which may be reported to him by the medical officer, or otherwise brought to his notice, and may, either before or after such inquiry, lay an information or make a complaint in his own name, on behalf of any such immigrant, against the employer or against any other person, before the magistrate of the district, or make such complaint in any other Court of Justice of the Colony, other than that of the magistrate of the district, having jurisdiction to hear, try, and determine the offence or other matter charged against such employer or other person.

(2.) The protector of immigrants shall watch the proceedings on any such information or complaint on behalf of such immigrant, or shall defend in any action or complaint or appeal brought against any immigrant, or may, if necessary, carry the same for review by way of appeal before any superior Court having jurisdiction in the case, and may in such superior Court retain the service of counsel, and may in all respects act on behalf of such immigrant as if he himself were the principal in the cause; and he shall report the cause of such proceedings from time to time, and the final result thereof, to the Governor.

(3.) It shall be the duty of the protector of immigrants to visit and inspect all hospitals in which indentured immigrants are treated.

Appointment and duties of subordinate officers.

10. (1.) The Governor may from time to time appoint assistant protectors of immigrants, clerks, interpreters, or other officers residing within the colony, as may be necessary for the performance of the ordinary duties of the Immigration Department.

(2.) Any such officer shall receive such salary as may be assigned to him by the Governor with the consent of the Legislative Council.

General powers of supervision of subordinate officers.

11. (1.) The protector of immigrants shall, subject to the control of the Governor, have authority over the several assistant protectors of immigrants, clerks, interpreters, and other persons employed in his office, and shall assign to each his duties, and may delegate to an assistant protector of immigrants the exercise or performance of any of his functions or duties, but without diminution of his own responsibility, and may, when conducting any investigation on an estate, require the presence and assistance of the district medical officer, and may also employ such persons as he may deem necessary as interpreters or judges of work, and may award any such person for his services a sum not exceeding one pound for each day on which he is so employed.

(2.) All expenses so incurred by the protector of immigrants, or by his subordinates under his directions, shall be paid as hereinafter provided.

Punishment of persons molesting, &c. protector of immigrants or medical officer.

12. Every person who annoys, molests, hinders, or opposes the protector of immigrants, or any medical officer appointed under this Ordinance, in the due execution of his duty or in the exercise of any of the powers or authorities conferred upon him by this Ordinance, shall, on being convicted thereof, be liable to imprisonment, with or without hard labour, for any term not exceeding six months, or to a penalty of twenty pounds.

Appointment and salary of emigration agent.

13. (1.) Her Majesty may from time to time appoint some fit and proper person to be emigration agent for this colony to superintend the emigration of labourers from any of the ports or places from which immigrants may be introduced into this colony.

(2.) The Governor shall from time to time pay to such emigration agent such salary or other remuneration as may be granted to him by Her Majesty: Provided, however, that the amount of such salary or remuneration shall be subject to the approval of the Governor in Council.

Accounts and expense of emigration agent.

14. (1.) Every emigration agent shall transmit his accounts to the protector of immigrants in this colony, with proper vouchers, at such times as the Governor may direct.

(2.) The amount of all necessary expenses incurred by such emigration agent in the collection, maintenance, medical attendance, and inspection of emigrants, and for their conveyance to this colony, and of all just and reasonable expenses incurred by him in or incidental to the sending back to their homes of any emigrants who may be rejected at the port of embarkation, or in or incidental to the sending back to the port from which they sailed of any immigrants entitled to free return passages under this Ordinance, which shall be attested by proper vouchers, shall be paid as hereinafter provided.

Part II.

Medical Department.

Colonial surgeon to be chief immigration medical officer.

15. (1.) The colonial surgeon shall *ex-officio* be chief officer of the medical department for immigration purposes.

His salary.

(2.) The colonial surgeon shall, as chief officer of the medical department for immigration purposes, receive such salary as may be assigned to him by the Governor with the consent of the Legislative Council.

General duties of chief immigration medical officer.

16. The colonial surgeon shall as chief officer of the medical department for immigration purposes, supervise the district medical officers hereinafter mentioned in the performance of their duties under this Ordinance; he shall, once at least in every half year, visit all hospitals in which indentured immigrants are received, and shall make a report to the Governor on the condition and management of such hospitals; and he shall at any time when specially so required by the Governor, or the protector of immigrants, visit any estate for the purpose of investigating, and shall, after such visit, report specially upon any matter affecting the sanitary condition of the immigrants on such estate.

Appointment, salaries, and duties of district medical officers.

17. (1.) The Governor may from time to time appoint such duly qualified medical practitioners as may be necessary, to be medical officers of districts for immigration purposes, and may assign to each of such officers a district, and each such officer shall receive such salary as may be assigned to him by the Governor with the consent of the Legislative Council.

(2.) Every district medical officer shall be liable to be removed from one district to another, as the Governor may from time to time deem expedient.

(3.) Every medical practitioner so appointed shall act as medical officer to the estates on which there are indentured immigrants, and as medical attendant to the indentured immigrants admitted to the hospital or hospitals within the district assigned to him, and shall furnish medicines when required to the sick immigrants on estates.

Schedule. Form No. 1.

Schedule. Form No. 2.

(4.) It shall be the duty of every district medical officer to keep in each hospital a register book, and also a case book, and an official visitors' book; and such register book and case book shall at all times be duly entered up, and shall be open to the inspection of the Protector of Immigrants.

(5.) Every District Medical Officer shall, within fourteen days after the termination of every half-year, transmit to the Colonial Surgeon, to be by him forwarded to the protector of immigrants, a report on the condition of the dwellings of immigrants on the estates in his district, and of the yards and grounds about the same, together with a tabular statement of all cases treated in the hospital by him during the same period, and the result of such treatment.

Part III.

Fiscal Provisions.

Establishment of immigration fund.

18. All moneys payable under this Ordinance by way of indenture fees, or otherwise, except as regards the expenses of immigrants in hospital, shall be carried by the treasurer to a separate account, to be called the "Immigration Fund."

Expenses charged upon immigration fund.

19. (1.) The salaries of emigration agents and other persons employed without the limits of this colony, and any other expenses incurred without such limits, the expenditure incurred in the hiring, employing, and licensing of any vessel for bringing any immigrants into this colony, in providing for the maintenance and clothing of any such immigrants during their passage or otherwise, in employing on board any such vessel a surgeon, and such other just expenditure as may be caused by and be necessarily incidental to such immigration, and for sending back any immigrants to the place from which they may have been brought or sent into the colony, and for bounty in lieu of return passage, shall be paid out of the Immigration Fund.

Expenses charged upon general revenue.

(2.) The salary of the protector of immigrants, assistant protector of immigrants, and other persons employed in connection with immigration within this colony, the salaries of the colonial surgeon, as chief officer of the medical department for immigration purposes, and of the district medical officers for immigration purposes, and all expenses incurred by the protector of immigrants or under his authority in discharging the duties of his office, shall be a charge on the general revenue.

Expenses of immigrant in hospital charged to employer.

20. A sum at the rate of eight pence per diem for each indentured immigrant admitted into the general hospital, or any district hospital, or poor or other asylums, shall be paid by the employer to the treasurer, upon presentation to such employer of a claim for the same, made up to the 31st day of December of each year, and certified by the colonial surgeon; and all such sums, when paid, shall be carried by the treasurer to the credit of general revenue; provided that no employer shall be called upon to pay in any one year more than three pounds for any one indentured immigrant admitted into the general or a district hospital or poor or other asylum, whose illness is not caused by an accident for which an employer would be ordinarily liable.

Recovery of sums due Immigration Fund, and preferent lien on estates.

21. (1.) The treasurer shall, on behalf of the colony, sue for and recover by summary or other process all debts, which may at any time be due and payable to the Immigration Fund, or for the expenses of immigrants in the general hospital or a district hospital, or poor or other asylum, and

(2.) Shall, in respect of all sums of money due to the Immigration Fund or for hospital or asylum expenses, on account of any immigrants indentured on an estate, have, and hold for the same, a privileged or preferent lien on such estate, over and above all liens, claims, charges, and mortgages, except liens and preferent rights of the Crown and such as have been allowed or created by any Statute. Provided that no such privileged or preferent lien shall exist as against third parties, unless such sums of money are sued for within twelve months from the time the same became due and payable respectively; provided also that in the case of an estate under lease when the consent of the lessor has not been given to the lessee's application for the immigrants in respect of whom such preferent lien is claimed, the estate shall not be subject thereto, except to the extent of the interest of the lessee.

Part IV.

Applications for Immigrants.

Making applications for immigrants. Schedule. Form No. 3.

22. Every employer desirous of obtaining an allotment of immigrants shall, on or before the first day of March, or such other day in each year as may be from time to time fixed by the Governor, send in to the protector of immigrants an application in writing, specifying the number of immigrants of each nationality required, the name and situation of the estate to which he wishes such immigrants to be assigned, and the name of the proprietor or lessee of such estate; and stating whether or not such property is subject to any mortgage; and the protector of immigrants shall register every such application in the Register of Applications for Immigrants.

Application of lessee or mortgagor.

23. (1.) Every application made by, or on the part of, any lessee of an estate shall be accompanied by the consent in writing of the proprietor, or, in default of such consent, the lessee shall show, to the satisfaction of the protector of immigrants, that he is prepared to pay in cash on allotment the full amount of indenture fees payable in respect of all immigrants so applied for.

(2.) If any such application is made by or on the part of the proprietor of an estate under mortgage, and the mortgagee or his representative objects in writing to such application being complied with, it shall be the duty of the protector of immigrants to refuse such application, unless such proprietor satisfies him that he is prepared to pay in cash on allotment the full amount of indenture fees payable as aforesaid.

Subsistence of application, notwithstanding death, &c.

24. No application shall be rendered invalid, or be in any way affected, by reason of the death, insolvency, or absence of the employer by whom such application was made, or by reason of the sale of the estate in respect of which such application has been made; and no application duly made and registered may be withdrawn without the permission of the protector of immigrants.

Application by head of public department.

25. The head of any department of the public service may, with the sanction of the Governor, apply for the allotment of such immigrants as may be required for the service of the colony in his department, and shall be considered, for the purposes of this Ordinance, as the employer of such immigrants as may be allotted in consequence of such application.

Power to refuse application.

26. Nothing in this Ordinance shall be held to interfere with the power of the protector of immigrants, subject to the control of the Governor, to refuse any application for immigrants, in case he sees reasonable grounds for such refusal; but every such refusal and the grounds thereof shall be communicated to the employer upon the receipt of his application, or as soon thereafter as possible, and also to the Governor.

Application barred by excessive death rate.

27. No application shall be entertained by the protector of immigrants for an allotment of immigrants to any estate on which the death rate has been excessive, or the estate deemed unsuitable for the residence of immigrants.

Applications granted by Governor in Council.

28. When the applications for immigrants for the following season have been completed, a list of such applications shall be submitted by the protector of immigrants to the Governor, and the question how far and in what proportions they can be complied with shall thereupon be considered and determined by the Governor in Council.

Part V.

Proceedings on the Allotment of Immigrants.

Inspection of immigrants on arrival.

29. On the arrival in this colony of any ship having immigrants on board, the protector of immigrants, assisted by the colonial surgeon, shall inspect the ship and the immigrants, and shall report to the Governor the condition of such ship and immigrants, and shall transmit with such report the surgeon superintendent's return of births and deaths, and a certificate of performance by the owners of the covenants and conditions of the charter-party, and also a certificate of the amount due for freight to such owners, and shall likewise require and transmit the report of the colonial surgeon.

Disposal of sick immigrants.

30. The protector of immigrants shall, with the assistance of the colonial surgeon and the surgeon superintendent of the ship, examine the sick, if any, among the immigrants on board, and shall cause such of them as may require it to be sent to the general hospital, and shall transmit with them a list, signed by the colonial surgeon and the surgeon superintendent, stating the name, sex, age, disease, and length of time under treatment of every immigrant so sent, and the number by which he was designated on board ship; and if there be any immigrants suffering from leprosy, lunacy, epilepsy, or any serious mental or physical disability, by which they will be rendered permanently unable to perform service under indenture, the protector of immi-

grants shall reserve them to be sent back to India, or to be otherwise disposed of under the direction of the Governor.

Disposal of other immigrants.

31. Every immigrant arriving in the colony—

(1.) Shall be allotted on board the ship in which he arrived, and

(2.) Every immigrant not immediately allotted shall be provided with food and lodging until he is provided with the means of earning his subsistence; and the amount of any expenditure so incurred shall be a charge upon the Immigration Fund.

Estates to be certified ready for immigrants.

32. No immigrants shall be allotted to any estate until the protector of immigrants and the colonial surgeon or a colonial assistant surgeon shall have certified that there exists on such estate sufficient and suitable accommodation for such immigrants; that the dwellings are ready for the reception of the immigrants; and the yards and neighbourhood in a satisfactory condition.

Order and conditions of allotment.

33. (1.) Allotments shall be made of immigrants to the several employers who have made application, in such order as the Governor may from time to time direct, and, subject to any such direction, in such manner as the protector of immigrants may determine.

(2.) In making allotments, husbands shall not be separated from their wives, nor minors and infants from their parents or natural guardians, and, so far as may be possible, members of the same family and neighbours from the same village, and persons who may agree in representing themselves as friends and associates, shall not be separated from each other.

Indenture fee for immigrants not able bodied.

34. In any allotment the protector of immigrants shall, with the assistance of the colonial surgeon, or, in his absence or inability to act, of some other medical officer to be deputed for that purpose by the governor, distinguish every immigrant who, in his opinion, is not able bodied, and not capable of performing service as an agricultural labourer; and the indenture fee payable in respect of any such immigrant shall be such part of that which would have been payable in respect of such immigrant if he had been an able-bodied immigrant, as the protector of immigrants may, with the approval of the Governor, think proper; or such immigrant may be indentured without payment of any indenture fee.

Mode of payment of indenture fee.

35. Every employer, to whom any immigrant is allotted, shall pay to the treasurer, in respect of each immigrant allotted to him, the indenture fee hereafter mentioned, at the times and in the manner following, that is to say, one-fifth part thereof before allotment, and one-fifth part thereof at the commencement of the second, third, fourth, and fifth years respectively of the term for which such immigrant shall be indentured, with interest at the rate of six per cent. per annum from the date of allotment, such interest payable with each instalment: Provided that the Governor may in any case specially require the whole of any indenture fee to be paid at the time of allotment.

Amount of indenture fees payable.

36. (1.) The indenture fee payable in respect of each adult immigrant shall be the sum of sixteen pounds or such other sum not exceeding sixteen pounds as may be from time to time fixed by the Governor in Council.

(2.) The indenture fee payable in respect of each minor immigrant shall be one-half that which would have been payable in respect of such immigrant if he had been an adult.

(3.) When any immigrant is allotted to any department of the public service, such department shall pay to the Immigration Fund the same sum in respect of such allotment as would be payable by any private employer.

Delivery of immigrants to employers.

37. The immigrants allotted to each employer shall be delivered to each employer immediately on, but not until, the production of the treasurer's receipt for the payment of the first instalment of the indenture fees in respect of such immigrants: Provided that if any employer to whom an allotment is made does not produce such receipt, and take away the immigrants so allotted to him, he shall pay to the treasurer, to be carried to the Immigration Fund, a sum at the rate of one shilling for every adult immigrant and six pence for every minor immigrant, for every day that such immigrant remains in the protector's hands.

Mode of indenture.

38. (1.) On the completion of every allotment or other disposition of immigrants on introduction, the protector of immigrants shall register every immigrant included in such allotment or disposition in the general register of immigrants introduced into the colony, distinguishing, to the best of his ability, such as are adults, minors, and infants respectively, and shall number therein each of such immigrants by a particular number, commencing from the last number borne on such register and proceeding by regular numerical progression; and shall deliver to the employer or his representative an indenture list signed by all the adult and minor immigrants allotted to him; and shall transmit to the treasurer a return showing the number of immigrants included in such allotment and the sums payable by way of indenture fees or otherwise in respect of such immigrants, and shall deliver to every adult or minor immigrant included in such allotment a certificate of indenture.

Schedule. Form No. 4. Form No. 5. Form No. 6.

(2.) Every employer and immigrant shall thereupon be and be taken to be bound by such indenture accordingly; and every such indenture list, and every extract from such register, signed by the protector of immigrants, shall be receivable in evidence of any indenture or allotment therein specified, without further proof.

Annual publication of arrivals and allotments.

39. The protector of immigrants shall, as soon as possible after the first day of April in every year, publish in the Gazette a list of all ships, if any, which have arrived with immigrants, and of the allotment and distribution of such immigrants, during the year.

Part VI.

Indentures of Immigrants on Introduction.

Right of immigrant to enforce previous contract.

40. If any immigrant is introduced into the colony under a previous contract entered into with any emigration agent, or other officer of the emigration office of this colony, in the country from which he may have emigrated, or with any employer or agent of an employer, such contract shall be valid and enforceable in every respect as against the colony or the employer, as the case may be, and, in so far as the rights of such immigrant shall exceed or vary from those rights which he would have enjoyed under this Ordinance if he had not entered into such contract, he shall be entitled to the benefit of such contract: Provided that no statement of wages agreed upon between an immigrant and any recruiter, which was registered before any magistrate in India previous to the first day of January, one thousand eight hundred and ninety, shall be taken to be a contract for the payment of such wages on the part either of the colony or of the officer making such statement.

Invalidity of previous contract against immigrants.

41. No previous contract, except by permission of Her Majesty's Government previously had and obtained, entered into with any immigrant from any part of India or from any part of the African Continent, or from any island adjacent to the coast of the African Continent, and inhabited by the negro race, shall be valid as against such immigrant.

Validity of previous contract against immigrants.

42. Every previous contract entered into with any immigrant from any other British Possession in the West Indies, or from any part of the North American Continent, shall be valid as against such immigrant: Provided that such contract shall have been signed by him if within Her Majesty's dominions, in the presence of a Justice of the Peace residing in the place or district wherein such contract was entered into, and, if within the dominion of a Foreign Power, in the presence of a Consul or other Consular Officer appointed by Her Majesty and acting in such dominions: Provided, also, that such Justice or Consular Officer, as the case may be, shall certify that the signature of the immigrant so contracting was voluntarily made, and that the contents of such contract had been fully explained to him, and had, to the best of such certificant's belief, been fully understood by such immigrant and the signature purporting to be that of such Justice or Consular Officer, as the case may be, shall be admitted in evidence of such contract without further proof.

Term of indenture of different immigrants.

43. (1.) The indenture of immigrants arriving in the Colony from any part of Her Majesty's dominions in the East Indies, or being liberated Africans, shall be for the term of five years from the date of their respective allotments.

(2.) In the absence of any previous contract made out of the Colony in that behalf, the indenture of male immigrants arriving in this Colony from any part of China shall be for the term of five years; and the

indenture of immigrants arriving in the Colony from any part of the North American Continent from which immigration may be permitted by Her Majesty's Government, or from the Cape de Verde Islands, or from any British possession in the West Indies (Barbados excepted), shall be for the term of three years; and the indenture of immigrants arriving in the Colony from the Island of Madeira or from any island in the Azores or the Canary Islands, shall be for the term of two years, from the date of the allotments respectively.

Copies of previous contracts preserved, &c.

44. (1.) On the indenture of any immigrant, who is introduced under any such previous contract, a copy of such contract shall be preserved in the office of the protector of immigrants, and other copies of such contract shall be appended to the certificate of indenture given to such immigrant, and to the indenture list given to the employer; and the indenture shall be subject to such contract in so far as such contract is enforceable under this Ordinance.

Minors and infants not bound by previous contracts.

(2.) No minor nor infant immigrant shall be bound by any such previous contract, whether the same is alleged to have been entered into by himself or on his behalf.

Infants becoming minors to be indentured, &c.

45. No infant immigrant shall be indentured, or shall be compelled to perform any service whatever, upon any estate: Provided that every infant, on reaching the age of ten years, and every minor, on reaching the age of fifteen years, shall be entitled to be indentured as a minor or adult respectively, for any time not exceeding the unexpired time of its parent.

Infants' and minors' rights and privileges.

46. Every minor or infant of an indentured immigrant residing on an estate, and every immigrant indentured as other than an able-bodied immigrant, shall be entitled to the same rights, privileges, and immunities, as able-bodied immigrants under indenture are entitled to under this Ordinance.

Part VII.

Transfer and Determination of Indentures.

Protection of female immigrant from her husband.

47. (1.) Upon information laid before any magistrate by the manager of any estate, or by any female Indian immigrant, or by any other person on her behalf, that the husband of such female immigrant, or her betrothed or reputed husband according to the custom of their country, or any Indian immigrant with whom she cohabits, has unlawfully threatened to murder, wound, beat, or ill-treat her, and that from any such threats she apprehends, or has reason to apprehend, any bodily harm or injury, the magistrate shall forthwith issue his warrant for the apprehension of the immigrant alleged to have used such threats, and any immigrant using such threats may be arrested and detained by any constable, until a warrant can be obtained, and such immigrant shall, on being convicted thereof, be liable to imprisonment for any term not exceeding one month.

(2.) In any such case, whether the immigrant accused is convicted or otherwise, if it appears that any threats used by such immigrant were occasioned by jealousy of any other person employed on the estate, in regard to such female immigrant, it shall be lawful for the magistrate, in his discretion, to make an order for the removal from the estate of any such person being an indentured immigrant, or of any such female immigrant threatened, or of any immigrant using such threats who is indentured to such estate, whatever may, in his judgment, be most expedient.

(3.) The magistrate may direct any immigrant so ordered to be removed, to be detained in custody until his or her transfer to some other estate; and he shall forward a copy of any such proceedings to the protector of immigrants, and the protector of immigrants may, with the sanction of the Governor, transfer the immigrant to any other employer who may be willing to accept his or her services.

Power of Governor to transfer indenture at any time.

48. If at any time it appears to the Governor expedient, on sufficient ground shown to his satisfaction, that all or any of the immigrants indentured to any estate should be removed therefrom, it shall be lawful for him to transfer the indentures of such immigrants, for the remainder of their respective terms of service, to any other employer who may be willing to accept their services.

Right lessee to have transfer.

49. Every lessee of an estate, whose term of lease expires before the termination of the indenture of any immigrant indentured to him on such estate, shall be entitled to have such immigrant transferred for the unexpired remainder of his term of service to any employer, approved of by the protector of immigrants, who may be willing to accept his services.

Rights of transferor and transferee.

50. In every case of a transfer under either of the last three preceding sections, the liability of the previous employer for all the remaining instalments of indenture fees for the transferred immigrant shall be transferred to the new employer, and the latter shall recoup to the previous employer a part of the instalment paid by him at the commencement of the current year proportioned to the period of such year then unexpired.

Subsistence of indenture in case of sale, &c., of estate.

51. In the event of any estate on which an immigrant may be under indenture being sold, either by private contract or at judicial sale, or being leased or devolving by inheritance, devise, or otherwise, such immigrant shall render the same service to the purchaser, lessee, devisee, heir, or other new employer, his heirs, executors, or assigns, and for the same term, as he would have been bound to render to his original employer.

Permissible removal and temporary transfer.

52. The protector of immigrants may, at the request of any employer, if sufficient ground is shown to his satisfaction, and with the approval of the Governor, allow all or any of the immigrants indentured to such employer on any estate to be removed to any other estate in the possession or under the management of the same employer, or may allow such immigrants to be temporarily transferred, for any term not exceeding six months, to any estate the owner of which may desire or be willing to accept their services, and during such term such immigrants shall be deemed to be indentured to such employer for all purposes of this Ordinance: Provided that such removal or transfer shall in no way affect any lien of the colony in respect of such immigrants upon the original estate, or, in the case of transfer to another employer, any pecuniary liability of the original employer to the general revenue or the immigration fund, as the case may be. Any employer making such removal or transfer without the consent of the protector of immigrants shall on conviction be liable to a penalty of ten pounds.

Determination of indenture for ill-usage of immigrant.

53. Upon report made by any magistrate of a conviction by him under this Ordinance of any employer or any person acting under his authority for ill-usage of any indentured immigrant or for the unlawful withholding of wages from any immigrant, the protector of immigrants shall have power, subject to the approval of the Governor, to declare the indenture of such immigrant determined, and may thereupon re-indenture such immigrant for the remainder of the term of service to any other employer who may be willing to accept services.

Certificate of determination of indenture. Schedule. Form No. 7.

54. When any indenture is determined by the protector of immigrants under this Ordinance, the protector of immigrants shall give a certificate thereof to the employer and to the immigrant; and such certificate signed by the protector of immigrants shall be received in all courts of justice as conclusive proof that the indenture therein mentioned was duly determined at the time therein specified.

Re-indenture on transfer or determination of indenture.

55. Except as in this Ordinance provided, no indenture shall be determined or transferred either by agreement between the employer and immigrant or otherwise, and the protector of immigrants shall record every determination or transfer other than a temporary transfer in the general register of immigrants introduced into the colony, and shall deliver to the employer to whom any immigrant is transferred a new indenture list, and to the immigrant transferred a new certificate of indenture, and in the event of any immigrant refusing to set his mark to the indenture list, the protector of immigrants shall sign for him; and such employer and immigrant shall thereupon be and be taken to be bound by such indenture accordingly.

Estimating duration of indenture

56. (1.) The indenture of an immigrant shall not determine by effluxion of time, unless the immigrant has fulfilled the legal obligations imposed on him by such indenture.

(2.) Every indenture of an immigrant, although it may purport to be for a fixed period of time, is hereby declared to be for a term of actual service equal in duration to the period of time for which the immigrant has become bound to serve under the indenture, and every such indenture shall continue in force until the immigrant has performed service thereunder for such term.

Duration of existing indentures.

57. Every immigrant who is under an indenture when this Ordinance comes into force, or who is then liable to have his indenture prolonged or renewed, shall be bound to perform service under such indenture

for a term equal in duration to the period of time for which the indenture then remains unexpired, or for which the indenture has been or is lawfully prolonged or renewed, and the indenture of every such immigrant shall determine when such immigrant has performed such service.

Exclusion of certain periods of time in estimating duration of indenture.

58. In reckoning the term of service of any immigrant under indenture, for the purpose of ascertaining the time when such indenture determines, all periods of time shall be excluded during which such immigrant has been absent from his work for any or all of the following causes, that is to say:—

(1.) Imprisonment; provided that imprisonment shall not, for the purposes of this section, include detention in respect of any trial which results in the acquittal or discharge of the prisoner, whether from want of prosecution or from any other cause.

(2.) Desertion; and

(3.) Absence from work without lawful excuse.

Provided that no immigrant under indenture shall be deemed to have been absent from his work, within the meaning of this section, on account of any desertion or absence from work without lawful excuse, unless such immigrant has been duly convicted of such desertion; provided, also, that this section shall not apply to any imprisonment, desertion, or absence from work without lawful excuse which may have commenced or occurred before this Ordinance comes into force, or to any imprisonment to which such immigrant may be sentenced after this Ordinance comes into force for any crime or offence committed before such time, or to any imprisonment, desertion, or absence from work without lawful excuse which was not duly recorded (after conviction) in the register of defaulters, required to be kept by the manager of the estate.

Part VIII.

Dwellings and Gardens.

Assignment of dwellings and gardens

59. (1.) The employer shall, upon the allotment or indenture to him of any immigrant, assign to him a suitable dwelling upon the estate, and shall at all times keep such dwelling in sufficient repair, and the roof of it water-tight, and shall keep the yards and grounds for a sufficient space round such dwelling well drained, and the drains clean and in good order, and the yard and grounds and neighbourhood free from bush and weeds and rubbish of every description.

(2.) The employer shall also assign to each immigrant who may apply for it, at least one-quarter acre of good provision garden land.

Size of dwellings.

60. No dwelling which is in the opinion of the protector of immigrants, the colonial surgeon, or district medical officer, unfit for habitation, shall be assigned to any indentured immigrant, and no greater number of immigrants shall be assigned to any dwelling or separate apartment, except with the special permission of the protector of immigrants, colonial surgeon, or district medical officer, than at the rate of one adult to every fifty feet of superficial space, or of three single men, or one man and his wife with not more than two children to every one apartment of not less than one hundred and twenty feet of superficial space.

Register of dwellings to be kept.

61. (1.) Every manager shall keep a register of all such dwellings on his estate as are, or are intended to be assigned to indentured immigrants for habitations, and shall from time to time enter on such register the names of all the indentured immigrants in each house or apartment.

(2.) Such register shall be open to the inspection of the protector of immigrants, the colonial surgeon, and district medical officer, and any one of such officers shall mark therein under his signature such dwellings as he may from time to time consider to be unfit for habitation, or in need of repairs, and also such dwellings as he may have permitted to be occupied in excess of the scale authorised by this Ordinance, with his reason for such permission, and shall also make therein such requisition as he may deem necessary for ensuring the sanitary fitness of such dwellings for habitation, and every such requisition shall be complied with by the employer.

Regulations in respect of dwellings.

62. (1.) The protector of immigrants shall, with the assistance of the colonial surgeon, from time to time make such regulations as may seem necessary for the proper construction, arrangement, and drainage of the dwellings and yards and neighbourhood of indentured immigrants.

(2.) All such regulations shall be subject to the approval of the Governor in Council, and shall when so approved be published in the Official Gazette, and copies of the same shall be sent to the manager of each estate on which there may be indentured immigrants.

Penalty on employers for failing in his duty respecting dwellings and gardens.

63. (1.) Every employer who—

(*a.*) Fails to provide any immigrant indentured to him with a suitable dwelling, and one quarter acre of good provision garden land (if applied for); or

(*b.*) In any respect neglects or refuses to comply with the provision of this Ordinance, or with the regulations for the proper construction, arrangement, and drainage of such dwellings, or yards, or neighbourhood, or in respect of the register of dwellings,

shall, on conviction on the complaint of any immigrant thereby aggrieved, or of the protector of immigrants, be liable to a penalty of five pounds.

(2.) Persistence in any of the offences, or frequent repetition of them will expose the employer to the loss of the immigrants. Their indenture will be determined, and they will be removed.

Penalty on immigrant for non-residence on his estate.

64. (1.) Every immigrant under indenture shall reside on the estate to which he was allotted. Failing to do so, the immigrant shall, on conviction at the suit of the employer, pay a fine not exceeding two pounds if a male, or one pound if a female.

Penalty on employer for not enforcing the immigrant's residence.

(2.) Any employer habitually failing to enforce this provision will be liable to prosecution by the protector of immigrants, and be subject to a penalty of two pounds.

Penalty on immigrant for filthy dwelling and yard.

65. (1.) Every indentured immigrant who—

(*a.*) Keeps his dwelling in so filthy or unwholesome a state as to be a nuisance or injurious to health; or

(*b.*) Refuses or neglects, within a reasonable time after being ordered by the manager to remove any nuisance or substance which he may have caused or placed in the immediate proximity of his own or any other dwelling; or

(*c.*) Commits any nuisance upon any dam or common thoroughfare of the estate,

shall on conviction at the suit of the manager, be liable to a fine of one pound.

Penalty on employer not enforcing cleanliness.

(2.) The manager shall himself be liable as in the last preceding section to an equal penalty, if he fail to enforce this provision.

Part IX.

Rationing of Immigrants.

Rationing newly arrived immigrants.

66. (1.) Every employer to whom immigrants may be allotted shall, from and after the date of delivery to him of the immigrants included in any allotment, provide for every such immigrant good food rations and fuel in lieu of a portion of his wages according to a scale and tariff to be fixed from time to time by the Governor in Council, who shall also fix the price of the food, rations, and fuel, and the portion of wages for which such rations and fuel shall be issued, and the times at which such rations and fuel are to be issued.

Penalty for not supplying rations.

(2.) Any neglect or refusal to comply with this provision by the employer or manager shall subject him to prosecution, and a fine of five pounds, or the lot of immigrants may be removed, and their indentures cancelled: Provided that at the expiration of nine months after the arrival of every such immigrant, the protector of immigrants may order such food rations and fuel to be discontinued, and the whole of his wages to be paid to such immigrant in money, if the protector of immigrants is satisfied that such immigrant is in good health, and is earning wages more than the cost of his rations and fuel. Such order shall be subject to revocation, if at any subsequent time it is found that such immigrant is earning less than the cost of his rations and fuel, owing to bad health, or for such other cause as to the Governor in Council shall seem fit.

Penalty for bad rations.

(3.) Rations, judged to be of bad quality by the protector of immigrants or immigration medical officer, shall be condemned, and shall subject the manager, on conviction, to a penalty of two pounds.

Penalties respecting buying and selling or bartering rations.

67. (1.) Every immigrant rationed under this Ordinance, who shall sell or barter any ration or part of a ration furnished under this Ordinance, shall, on conviction at the suit of the manager of the estate, be liable to be imprisoned for any term not exceeding fourteen days.

(2.) Every person who shall take by way of purchase or barter from any immigrant rationed under this Ordinance, any such ration or part of a ration, shall, on conviction at the suit of the manager of the estate, be liable to a penalty of two pounds.

(3.) If the manager habitually neglect or refuse to prosecute, for the violation of this provision, he shall be liable on conviction at the suit of the protector of immigrants, to a penalty of two pounds.

Part X.

The Labour Law.

Providing work and paying wages.

68. (1.) The employer shall provide every indentured immigrant with sufficient work for a full day's labour on every day on which field work is not rendered impossible by reason of bad weather, or its being a Sunday or an authorised holiday, and shall pay him wages, either by the task or by the day, weekly, on the same day in every week, unless such day falls on a Sunday or an authorised holiday, in which case the payment shall be made on the previous juridical day.

(2.) Every employer who fails on any day to provide an indentured immigrant with work for a full day's labour in terms of this section, shall, on conviction on the complaint of the protector of immigrants for every such offence, be liable to a penalty of two pounds, and shall further for every day's default pay into court by way of compensation to such immigrant, if a male, the sum of one shilling, and if a female, the sum of ten pence.

Assignment of work.

69. (1.) The employer may require any indentured immigrant to perform, either by way of task work or time work, any work for which he is not physically unfit; but all work whether in the building or otherwise, which requires the co-operation of more than two labourers at once, in such a fashion that the indolence of one or more may prevent another from earning the full amount of wages which otherwise he might have earned in the day, shall be paid by the day, not by the task.

(2.) The employer shall inform every labourer upon the assignment to him of any task or time work, whether he is to be paid wages for it by the task or day, respectively.

Duration of time work.

70. (1.) Subject to the provision as to leave of absence hereinafter contained, every indentured immigrant shall be present at the work assigned him on every day except Sundays, authorised holidays, and days on which work is rendered impossible by reason of bad weather, in the field and in the buildings for nine hours (irrespective of two clear hours allowed for the mid-day meal when working in the field): provided also that after any immigrant has earned by task or extra work in any week six shillings, or if a woman, five shillings, he shall not be compellable to be again present at work during that week.

(2.) Any manager who causes any indentured immigrant to work beyond the number of hours fixed by this section, except for extra wages, shall, on conviction for each offence, be liable to a penalty of two pounds.

Limit of task work per diem.

71. No task shall be of greater extent than can be performed by the labourer to whom it is assigned within one working day of seven hours without extraordinary exertion.

Rate of wages for time work.

72. (1.) The employer shall pay to every indentured immigrant employed in time work, day wages at the rate for each day during which he has been present at work for the full time prescribed by this Ordinance, of not less than one shilling if he has been indentured as an able-bodied male adult immigrant, and not less than ten pence if she has been indentured as an able-bodied female adult immigrant. Minors and adults not able-bodied, shall be paid according to the work they can perform.

Pay list. Schedule. Form No. 8.

(2.) The employer shall keep a pay list in the prescribed form.

Penalty for withholding wages.

73. (1.) If any employer, manager, or officer of an estate, unlawfully withholds any wages earned by an indentured immigrant, he shall, on conviction for each offence, be liable to a penalty of two pounds.

(2.) The magistrate shall order any such wages to be paid, and shall report to the protector of immigrants every conviction under this and other sections, together with such circumstances of aggravation or extenuation as to him shall seem noteworthy.

Stoppage of wages and payment in kind prohibited.

74. Save as hereinafter otherwise provided, all wages duly earned by an indentured immigrant, shall be paid in money, without any deduction; and every stoppage of wages, or part of wages duly earned by any such immigrant, and every postponement of payment of such wages beyond the next pay day after such wages shall be due, and any payment of wages in kind, and any stoppage of wages for goods supplied on credit by any manager to his indentured immigrant, shall be taken to be an unlawful withholding of wages.

Rate of wages for task work.

75. The rate of wages for any description of task work shall not be less than that ordinarily paid for the same description of work to the Creole and other unindentured labourers working on the same estate, and in case there are no such labourers, or they are paid less than the average rate paid for the same description of work to such labourers on neighbouring estates, then not less than such average rate; and if there are no such labourers performing the same description of work on neighbouring estates, then it shall not be less than that ordinarily paid for the same description of work to indentured labourers upon neighbouring estates: Provided that the wages agreed upon for a task shall in no case be less than one shilling for a man, or ten pence in the case of a woman.

Recovery of wages short paid.

76. If the immigrant is dissatisfied with the amount of wages tendered for any task or time work assigned to him by the employer, he may after performance of the task work in question proceed in a summary manner before the magistrate of the district to recover any deficiency by which the wages so tendered fall short of a fair remuneration of the work performed or may lay an information, or make a complaint against the employer for the unlawful withholding of wages duly earned; and any such information or complaint may be turned by the magistrate into such proceedings for recovery, if he shall be of opinion, after hearing the case, that their exist grounds for further inquiry before estimating the amount of such wages.

Procedure for recovery of wages short paid.

77. (1.) In any proceedings for the recovery of wages by an indentured immigrant, it shall not be necessary for such immigrant to take out a summons against the employer, or to lay or make any formal information or complaint therefor; but the magistrate may, upon receiving from such immigrant any verbal statement or complaint, require of the manager a statement of the work in question performed by such immigrant, and of the wages paid therefor, together with any material facts or documents.

(2.) If the matter at issue appears to be such as should be tried upon the complaint for the unlawful withholding of wages, the magistrate shall forthwith issue, free of cost, a summons to the employer to appear and answer such complaint and shall proceed thereupon as if the immigrant had in the first place made such complaint, and shall give notice to the immigrant accordingly; but if the rate of wages is the subject of dispute, the magistrate shall forthwith proceed to estimate to the best of his ability what is a fair remuneration for the work in question.

Estimating such wages, and order for payment.

78. (1.) In making such estimate whether for task or day work, the magistrate shall have regard in the first place to the rule laid down in this Ordinance for determining the rate of task wages, and in the second place to the rates paid to indentured immigrants on neighbouring estates for descriptions of work the most nearly similar to that in question; and it shall be lawful for him to summon witnesses skilled in the valuation of labour, and to allow such witnesses their travelling expenses and payment for their time at a rate not exceeding one pound a day for a manager, two shillings a day for a day labourer, and eight shillings a day for any other person.

(2.) The protector of immigrants shall at his request supply such magistrate with any information in his possession which may assist him in forming a decision, and if necessary shall hold an investigation upon the spot of the circumstances material to the question, and report to the magistrate the result thereof.

(3.) The magistrate shall make such order in the premises as to him may seem just, and shall direct by

whom and in what proportions the cost of such proceedings shall be paid, and shall specify in such order the grounds of his decision, and shall forward a copy thereof to the protector of immigrants.

(4.) Every such order shall be enforceable and every payment directed thereby shall be recoverable in the same manner as in the case of any order made in the exercise of the ordinary summary jurisdiction.

Punishment for ill-using immigrant.

79. If any employer, manager, or officer of an estate, assaults or in any way ill-uses the person of an indentured immigrant on such estate, he shall on conviction be liable to be imprisoned with or without hard labour for a term not exceeding two months, or to a penalty of two pounds, and the protector of immigrants may, with the approval of the Governor, require the dismissal of such manager or officer of the estate, and, in default of such dismissal, may remove the ill-used immigrant or the whole lot of indentured immigrants, if there is aggravation; and such convicted manager or other officer of the estate shall not, without the permission of the Governor, be allowed to be a responsible officer on that or any other estate having indentured immigrants.

Punishment of immigrant for absence from work, &c.

80. Every indentured immigrant who—

(1.) Without lawful excuse is absent from work; or

(2.) Is guilty of wilful indolence during working hours; or

(3.) Without lawful excuse refuses to begin or finish any particular work assigned to him,

shall on a first conviction be liable to a penalty of one pound, and on a second or subsequent conviction shall be liable to a penalty of two pounds: Provided that no female immigrant convicted under this Ordinance for absence, wilful indolence or non-appearance at work, shall be sentenced to the payment of a penalty on first conviction exceeding ten shillings; and provided that no female immigrant shall be convicted for refusal to work, absence from work, or failing to show ordinary diligence while at work, where it appears to the magistrate before whom she is tried, after taking a medical officer's opinion, that such refusal to work, absence from work, or want of ordinary diligence was caused by pregnancy, or other physical cause peculiar to women.

Punishment of immigrant for not amending bad work.

81. Every indentured immigrant who without reasonable excuse refuses or neglects to amend any work duly thrown out for an improper performance, shall on the first or any subsequent conviction be subject to the respective penalties provided for such conviction in the preceding section, and shall further forfeit any such portion of the wages which may be due for such work, as the convicting magistrate shall think proper, and the manager may suspend the payment of any such wages pending any proceedings which he shall have taken against such immigrant for such refusal or neglect: Provided that no work shall be taken to have been duly thrown out for improper performance, except by the manager taking down the work on the spot the same day, or the next day after such work has been done, nor unless such manager has informed the immigrant upon the spot that his work is thrown out, or in case he be absent, so soon afterwards as is possible, and has specified the gound or matter of his objection to the work done, and has required him to amend the same.

Punishment of immigrant for various offences.

82. Every indentured immigrant who—

(1.) Is drunk while employed in any work; or

(2.) Uses to his employer or to any person by him placed in authority on the estate any abusive or insulting language or gesture; or

(3.) By negligence, carelessness, or any other improper conduct, damages or causes to be damaged any property of his employer; or

(4.) Through negligence or carelessness suffers any property of his employer to be damaged; or

(5.) Hinders or molests any other indentured immigrant in the performance of his work; or

(6.) Persuades or attempts to persuade any other indentured immigrant unlawfully to refuse to work, absent himself from work, or desert from work; or

(7.) Is guilty of any fraud or wilful deception in the performance of his work;

shall, on a first conviction, be liable to a penalty of two pounds, and on a second or any subsequent conviction be liable to a penalty of five pounds.

Exemptions from punishment in certain cases.

83. (1.) Any indentured immigrant who, having been refused a pass by his employer, absents himself from work, in order on reasonable grounds to lay an information or make a complaint against the employer or manager before the magistrate, or to make any reasonable complaint of his treatment to the protector of immigrants and to ask counsel of him, shall be entitled to receive from such magistrate or the protector of immigrants a certificate that such absence was for a reasonable cause; and no immigrant possessing such certificate shall be liable to conviction for absence from work upon the day on which such certificate was granted, or within such time before or after as shall be necessary to allow of his free going and returning.

(2.) No indentured immigrant shall be convicted under this Ordinance for wilful indolence or non-performance of work assigned him in respect of any work for which he was at the time physically unfitted, or which was of such a description or extent, or which was assigned in such manner or for such a rate of wages as to contravene any provision of this Ordinance, or which was unduly thrown out, or for which any wages was unlawfully withheld.

Agreement for extra work.

84. (1.) An indentured immigrant may bind himself by agreement with his employer, terminable on the next weekly pay day, to work extra time in the field: Provided the description of work to be assigned to him during such extra time be expressly stipulated beforehand.

(2.) An indentured immigrant may bind himself by agreement with his employer, terminable on the next weekly pay day, to work extra time in the buildings, and the employer may assign him during such extra time any work in the buildings which he is physically competent to perform; but no indentured immigrant shall be compellable under any such agreement to work on any one day for more than six hours of extra time, or to perform work of a different description from any such as he may by his agreement have expressly stipulated for.

(3.) In the absence of previous agreement to that effect, an indentured immigrant employed in the buildings may be on any day required to work extra time not exceeding three hours: Provided that that intention be communicated to him at least one hour before the expiration of the ordinary time, and that if he then give notice of his refusal to continue longer at work, he shall be entitled to leave work one hour after the expiration of the ordinary time.

Rate of payment for extra work.

85. All extra time work shall be paid for by the hour at a rate not less than that at which ordinary time work is paid for, and the same provisions, remedies, and penalties, in respect of the due performance and payment of wages shall apply to extra time work and to service as a watchman, whether under agreement or otherwise, as are contained in this part of the Ordinance with reference to ordinary work.

Agreement to serve as watchman.

86. (1.) In the absence of agreement to that effect, an indentured immigrant shall not be required to serve as a watchman against his will; but he may bind himself by agreement to serve as a watchman on the estate for any term not longer than one month, and from month to month; and unless he gives notice of his refusal to serve any longer as a watchman, at least ten days before the expiration of any month's service, he shall be compellable to serve for one other month.

(2.) Every immigrant under indenture who, after having agreed to serve as a watchman,—

(*a.*) Unlawfully neglects his duty as such watchman; or

(*b.*) Unlawfully neglects to serve as a watchman during the period for which he has agreed to serve, or for which he is bound to serve,

shall be guilty of an offence and shall on being convicted be liable to a penalty of two pounds.

Schedule, Form No. 9.

(3.) It shall be necessary before any such immigrant can be convicted for any offence under this section to prove that such immigrant had previously agreed to serve as a watchman. The charge for offence under this section may be in the Form No. 9 in the Schedule.

Reduced task of feeble immigrant.

87. (1.) When an indentured immigrant is physically incapable of performing a task or a full day's work, it

shall be lawful for his employer to assign him a half or three quarter task or day's work, provided he first receive a certificate to this effect from the district medical officer.

(2.) No immigrant who has obtained from the district medical officer a certificate of such inability shall be compelled to perform a full task or day's work.

Part XI.

Leave and Desertion.

Leave of absence demandable.

88. (1.) Every indentured male adult immigrant who has earned five shillings, and every indentured female or minor immigrant who has earned four shillings and two pence in each of any two consecutive weeks, shall be entitled to demand of his or her employer a free pass or ticket of leave, good for a period of one day and night for each of such fortnightly earnings of ten shillings or eight shillings and four pence respectively: Provided that no immigrant shall be entitled to demand, and no employer, except for special cause, to be stated in such pass, shall be entitled to give leave to any indentured immigrant for more than seven days at any one time, or more than twenty-six days in any one year; and no pass extended for special cause shall be given for more than twenty-six days at any one time, or more than once to the same immigrant in any one year.

(2.) Any employer who gives a pass in excess of such limits, or who states in such extended pass any frivolous, or pretended cause for such extension, shall, on being convicted thereof, on the complaint of the protector of immigrants, be liable to a penalty of five pounds.

Deserter recovered by warrant.

89. (1.) If any indentured immigrant without leave absents himself from the estate, or is absent from roll call and work, for seven days, he shall be taken to have deserted such estate; and the manager shall thereupon proceed to make a complaint against him in that behalf before the magistrate of the district, and to take out a warrant for his apprehension.

(2.) Such warrant shall be granted free of all cost, and shall be directed to all members of the police force or constables; and a copy of such warrant shall be forwarded by the magistrate to the chief of police, and any copy thereof, certified under the hand of the chief of police, shall be executable in the same manner as the original warrant, and shall be sent to each police station.

(3.) Any manager who fails to make such complaint and take out such warrant within forty-eight hours after any such immigrant has become a deserter, shall, on being convicted thereof, on the complaint of the protector of immigrants, be liable to a penalty of five pounds, and shall, in addition to such penalty, be liable to an absolute accumulating penalty of one shilling for every day during which such default continues.

(4.) If the deserter voluntarily return to his estate, the manager shall at once report such return to the nearest police station; and failing to do so for seven days after the deserter's return to his estate shall be liable, on complaint of the chief of police, to a penalty of one pound.

Deserter punished.

90. Every immigrant under indenture who deserts his estate shall, on first conviction, be liable to a penalty of two pounds, and on a second or subsequent conviction shall be liable to a penalty of five pounds.

Form of charge against a deserter. Schedule. Forms Nos 10 and 11.

91. Every complaint or charge against an immigrant under indenture for desertion, and every warrant for the apprehension of an immigrant under indenture who shall have deserted from his estate, shall be in the Forms Nos. 10 and 11 in the Schedule respectively.

Punishment of habitual idler.

92. Every indentured immigrant, convicted of being a habitual idler, shall be imprisoned for any term not exceeding three months.

Immigrant suspected of absence without leave.

93 (1.) Every police officer may, without warrant, stop any immigrant whom he may have cause to suspect of being absent from his estate without leave, and may require him to show his certificate of exemption from labour, or a pass signed by his employer.

(2.) If any such immigrant does not produce such certificate or pass, the police officer may thereupon take him into custody, and conduct him, if elsewhere than in Castries, to the nearest police station, and if in Castries, to the office of the protector of immigrants, and if such immigrant shall be found to be under indenture to any employer, the police officer shall communicate with such employer, and shall detain the immigrant until he can be charged before the magistrate of the district in which his estate lies, or until he shall give security for his appearance to answer such charge. Provided that if the employer shall so require, the police officer shall cause such immigrant to be re-conducted to his estate.

Punishment of immigrant refusing information as to identity.

94. If any immigrant, on being brought to the protector of immigrants, or to any police station, by any police officer, refuses to give his name and the name of the ship in which he was introduced into the Colony, and any other information that may be required by the protector of immigrants or by the officer in charge of such station, for purposes of identification, he shall, on conviction, on the complaint of the protector of immigrants or chief of police, be liable to a penalty of one pound.

Punishment for absence without leave.

95. Every immigrant under indenture, convicted of being absent from his estate without leave, shall be liable to a penalty of one pound.

Illegal employment or harbouring indentured immigrant.

96. (1.) Every person not being entitled to the services of any immigrant under this Ordinance, who employs or knowingly harbours any immigrant under indenture, or induces or attempts to induce any such immigrant to leave off work or to quit his estate against the will of his employer, shall on conviction be liable to a penalty of two pounds, and shall, in case of employment, in addition to such penalty, pay to the employer entitled to the services of such immigrant, by way of damages, at the rate of four shillings for every day such immigrant may have been so employed.

(2.) In case such employment has been on an estate, it shall be sufficient to support a conviction under this section to prove that such immigrant has been employed thereon, while the person charged was the manager of such estate.

Warrant to search for harboured immigrant.

97. (1.) If any employer states upon oath before any justice of the peace that he has reasonable cause to suspect that any of his indentured immigrants is harboured or employed on the premises of any person, the justice may grant a warrant to search for such immigrant and bring him and the person by whom he may be harboured, concealed, or employed, before him, to be dealt with as provided by law.

(2.) In any case arising under this section, the *onus* of proof that the defendant had no knowledge that the immigrant was under indenture shall be on the defendant, not on the complainant or person aggrieved.

Registers of proceedings before magistrates, desertions, and absence on leave

98. (1.) Every manager of an estate on which immigrants are indentured, shall keep a register of all cases under this Ordinance in which he is concerned before the magistrate.

(2.) Every manager of an estate on which immigrants are indentured, shall keep a register of desertions and absences on leave, and shall enter therein every desertion of an indentured immigrant from such estate, and every pass granted by him to an indentured immigrant, with the date and period and the cause of extension, if any, of such pass, and also any leave of absence granted verbally to any such immigrant which shall extend over the night.

Schedule. Forms Nos. 17, 18. 19.

(3.) Neglect to enter up the offences in the several registers, and to keep the record of convictions by magistrates written up to date, will result in the forfeiture of all claim for lost time against any indentured immigrant.

Part XII.

Sick Immigrants:—Estates and Hospitals.

Medical officer's visits to estates.

99. (1.) The district medical officer shall visit each estate in his district, upon which there may be immigrants under indenture, at least twice in every month, and oftener when so directed by the Governor, and when summoned by the employer or manager to attend any immigrant suffering from severe sickness or from an accident which prevents him from being immediately sent to hospital, or when specially required to do so by the protector of immigrants, and shall at every visit sign his name with the date of such visit in the official visitors' book.

(2.) He shall at such visits inspect the dwellings of the immigrants, and the yards thereof, and shall order every indentured immigrant on the estate, whom he may find suffering from sickness, or whom the manager may produce before him for treatment, either to be

sent to the hospital of the district in which the estate is situated, or to be treated on the estate, as the case may require, and shall report to the protector of immigrants every case of neglect on the part of the manager to produce before him any indentured immigrant requiring treatment, or to send to hospital any immigrant ordered by him or by the protector of immigrants to be sent to hospital, and he shall send to the Governor a report of every such visit.

Muster roll regularly inspected by medical officer and called over every three months.

100. The district medical officer shall, once in every three months, inspect the muster roll book, and have the roll called over.

Recording of treatment of patient in case-book.

101. The district medical officer shall in the case of every patient brought to him for treatment, or ordered by him to be treated on the estate, record in the case-book any disease or injury under which such patient may appear to be suffering, with the remedies prescribed and diet ordered in each case, and he shall inform the patient of the remedies and diet prescribed.

Duty of manager [illegible]nd sick [illegible]migrant [illegible] hospital.

102. Whenever the employer or manager of an estate, upon which there are indentured immigrants, has reasonable grounds for believing that any immigrant is suffering from sickness or bodily injury, he shall cause such immigrant to be sent, and if necessary conveyed, forthwith to the district hospital at the expense of the estate.

Sick immigrant on road.

103. Any person seeing any immigrant in a condition of sickness or distress on any road or other place, may send him to the nearest hospital, or give notice to the nearest police station, to have him removed to the nearest hospital, and if the immigrant be under indenture to an estate, the cost of his removal to hospital shall be included in the bill of charges for treatment in hospital.

Supply of medicines on estates.

104. Every employer shall keep on his estate for the use of the immigrants such supply of medicines and appliances as may be directed by the colonial surgeon with the approval of the Governor.

Sundry penalties on employers for neglect of sick immigrants.

105. Every employer or manager who—

(1.) Refuses or neglects or unreasonably delays to send or cause to be sent to the hospital any indentured immigrant, whom he has reason to believe to be sick or suffering, or whom the district medical officer, or the protector of immigrants has ordered to be sent to hospital; or

(2.) Fails at any visit of the district medical officer to produce before him any such immigrant who may require medical care or treatment; or

(3.) Refuses or neglects or unreasonably delays to procure or administer the remedies prescribed, or to supply the diet ordered, in the case book; or

(4.) Upon whose estate any immigrant shall be found by the protector of immigrants or district medical officer to be suffering from yaws; or

(5.) Fails to keep on the estate the medicines and appliances as directed,

shall, on conviction, on the complaint of the protector of immigrants, be liable to a penalty of ten pounds.

Sundry penalties on sick immigrants.

106. Every indentured immigrant who—

(1.) After being sent to hospital by the manager, is found beyond the limits of such hospital, before he has been duly discharged; or

(2.) Refuses or neglects to appear at any time when required so to appear before the protector of immigrants or a district medical officer; or

(3.) Resists any lawful order for his conveyance to hospital, or production before a district medical officer; or

(4.) Breaks any of the hospital rules or regulations; or

(5.) Behaves himself in a disorderly or refractory manner while in hospital,

shall, on conviction, on the complaint of the protector of immigrants or a district medical officer, be liable to a penalty of one pound.

Part XIII.

Certificate of Exemption from Labour.

Granting certificates of exemption from labour. Schedule. Form No. 12. Schedule. Form No. 13.

107. (1.) Every immigrant who may have completed, or who shall hereafter complete, any term of service under indenture, whether entered upon before or after the coming into force of this Ordinance, shall be entitled to receive from the protector of immigrants, free of charge, a certificate of exemption from labour.

(2.) The protector of immigrants shall register every such certificate in the general register of certificates of exemption from labour, and any certificate of discharge heretofore granted to and remaining in the possession of any immigrant shall have in all respects the force of such certificate of exemption from labour under this Ordinance, and shall be exchangeable for such certificate.

(3.) Every such certificate of exemption from labour or of discharge, and every extract from such register, signed by the protector of immigrants, shall be receivable in evidence of the facts therein specified, without proof.

Manager to endorse certificate of exemption from labour

108. The manager of every estate about to be officially visited by the protector of immigrants for the purpose of giving certificates of exemption from labour, shall give previous notice of every such intended official visit to the immigrants on such estate, and shall, on every such visit, produce before the protector of immigrants every immigrant who has, since the last of such visits, completed his term of service, or will in the course of time within three months thereafter complete the same, and the protector of immigrants shall deliver to every such immigrant a certificate of exemption from labour, and shall, if necessary, endorse such certificate with the word "Provisional," and with the date at which such certificate will in the course of time become due; and whenever such certificate shall, either in the course of time or otherwise, have become due, the immigrant may call upon the employer, to endorse the same, and, in case of refusal or neglect so to do, the employer shall, on being convicted thereof, be liable to a penalty of two pounds, and, in addition to such penalty, the employer shall pay to the immigrant, through the Court, an absolute accumulating sum of one shilling for every day of default to endorse the certificate.

Immigrant free to dispose of his services.

109. Except as hereinafter otherwise provided, every immigrant who has obtained a certificate of exemption from labour shall be at liberty to hire or dispose of his services, or to change his residence, in the same manner as any other labourer, not being an Indian, Chinese, or African immigrant.

Rights of certificated immigrant.

110. Every Indian immigrant who has obtained a certificate of exemption from labour, or who has completed his term of ten years' residence in the colony, shall be entitled to the supervision and protection of the protector of immigrants.

Part XV.

Passports and Return Passages.

Passport regulations.

111. Every Indian immigrant who has obtained or become entitled to a certificate of exemption from labour, and who his desirous of quitting the colony, shall apply to the protector of immigrants for a passport; and thereupon the protector of immigrants may, within one week from the date of such application, deliver to him free of charge, a passport, good for one calendar month from the date thereof, and shall register such passport in the Register of certificates of exemption from labour, and shall detain the immigrants' certificate of exemption from labour till his return to the colony; provided that the protector of immigrants may, for good and sufficient reason, subject in each case to the approval of the Governor, refuse to grant such passport.

Penalty for breach of passport regulations.

112. (1.) Every immigrant who attempts to quit the colony without a passport shall, on conviction on the complaint of the protector of immigrants, be liable to a penalty of ten pounds.

(2.) Every owner, master, or person in charge, or purser of any ship, or agent of any steamer, who receives or harbours on board such ship, or elsewhere, any immigrant who has not obtained a passport, or whose passport has expired, with intent to carry such immigrant out of the colony, and every owner, or master, or person in charge of any ship who carries such immigrant out of the colony, shall, on conviction,

be liable to a penalty of twenty pounds for every immigrant so received or harboured, or carried out of the colony, and such ship shall be liable or executable for the amount of such penalties.

Right of Immigrant to return passage.

113. (1.) Every Indian immigrant who has completed a continuous residence of ten years in the colony, and has during that time obtained or become entitled to a certificate of exemption from labour, shall be entitled to be provided at the expense of the colony with a passage back to the port whence such immigrant sailed from India, for himself, his wife, and his children under the age of fifeen years.

(2.) Every immigrant, who being so entitled, is detained in the colony contrary to his wish after claiming such back passage, shall, on his embarkation, receive from the Immigration Fund the sum of one pound for every six months of such detention; provided that every immigrant, who shall at any time before the expiration of ten years from his arrival quit the colony without a passport, or having quitted the colony with a passport, shall remain out of the colony beyond the term fixed in such passport without reasonable cause, shall thereby forfeit all claim to a back passage at the expense of the colony; provided also, that whenever any such immigrant is willing to forego his right to a free passage back to such port as aforesaid, on condition of a sum of money being paid to him, the Governor may pay to such immigrant such sum, by way of bounty, as may be settled by the Governor in Council.

(3.) Upon such payment being made to him, the right of such immigrant to such free back passage as above mentioned shall cease.

Bounty or grant of land in lieu of return passage.

114. (1.) When any Indian immigrant desires to commute his right to a free passage back to India for a piece of land, and the Governor shall see fit to grant to such immigrant a piece of land out of the Crown lands of the colony, then such immigrant shall have the piece of land in lieu of his right to a free back passage.

(2.) The land shall be granted to him free of all costs and encumbrances.

(3.) Upon such grant of land being made to him, the right of such immigrant to a free back passage shall cease.

Rights of disabled immigrant to return passage.

115. The protector of immigrants may grant to any immigrant, who shall at any time be in his opinion permanently disabled and unfit to perform service under indenture, and who shall produce a certificate from the colonial surgeon, or any other immigration medical officer to that effect, a certificate of exemption from labour, and the Governor may order any such Indian immigrant, if he shall so desire, to be provided at the expense of the Immigration Fund with a return passage to the port in India whence he emigrated.

Malingerers and habitual idlers forfeit return passages.

116. Malingerers and habitual idlers, from whom their employers have not exacted "lost time," shall forfeit their claims to free back passages or bounties, unless in the meantime they make up their lost time by re-indenture service. But immigrants who have completed three-fourths of their original term of indenture, or the wives of fairly industrious husbands, or any others by special order of the Governor shall be exempted from the penalty of this provision.

Special provision for return immigrant ship.

117. In order to facilitate the return of immigrants who shall be entitled to back passages at the expense of this colony, it shall be lawful for the Governor when there shall not be any convenient opportunity of providing such back passages from this colony direct to the port from which such immigrants have sailed, to arrange with the Governor of any neighbouring colony from which there may be a convenient opportunity, for the return of such immigrants by way of such colony to such port.

Inspection, &c., of return immigrant ship.

118. (1.) Previous to the departure of any ship hired at the expense of the colony, having returning immigrants on board, the protector of immigrants, assisted by the colonial surgeon, shall inspect the ship and immigrants, and ascertain whether the arrangements made for passage and for the treatment of the people on board are in conformity with the law, and

(2.) The protector of immigrants shall make out a list of the immigrants on board such ship who are entitled to a back passage at the expense of the colony, and shall deliver the list to the surgeon superintendent for the use of himself and the master of such ship, and shall certify upon such list the total number and description of immigrants embarked, together with the state and condition of such immigrants, and that they have all been provided with clothing suitable and sufficient for the voyage.

Part XV.

Enlistment and Deportation of Immigrants.

Deportation of immigrants prohibited.

119. (1.) Subject to the proviso contained in this section, no person shall by threat, promise, representation, or any other means induce or attempt to induce any Indian immigrant to agree to leave this colony with intent to induce or compel such immigrant to do any work, labour, or service in any place beyond the limits of this colony: Provided that the prohibition of this section shall not apply to any person who in pursuance of a licence under the hand of the Governor induces or attempts to induce Indian immigrants to leave the colony in order to do work, labour, or service in a place beyond the limits of this colony to which emigration from British India is permitted.

(2.) Every person who contravenes this section shall be guilty of a misdemeanour, and on conviction thereof before the Royal Court may be fined in any sum not exceeding five hundred pounds, and either in lieu of or in addition to any such fine may be imprisoned with or without hard labour for any term not exceeding two years.

Penalty for deporting or aiding to deport immigrant against his will.

120. Any one who removes, or aids, or assists in removing from this colony any Indian immigrant, contrary to the will of such immigrant, shall be guilty of a misdemeanour, and on conviction thereof before the Royal Court, may be imprisoned with or without hard labour for any term not exceeding two years.

Penalty for deporting immigrant consenting to be removed.

121. When any Indian immigrant has agreed to leave this colony, having been induced to enter into such agreement contrary to the prohibition of this Ordinance, every person who removes from, or aids, abets, or assists in enabling to leave this colony, any such immigrant, knowing or having reasonable ground to believe that such immigrant has been induced to agree as aforesaid, contrary to the prohibition of this Ordinance, shall be guilty of a misdemeanour, and on being convicted thereof before the Royal Court may be fined in any sum not exceeding one hundred pounds, and either in lieu or in addition to any such fine, may be imprisoned with or without hard labour for any term not exceeding two years.

Limit of time for prosecution.

122. In the preceding three sections, prosecution may be commenced at any time, though it exceed the six months' limit for prosecutions for other offences.

Part XVI.

Registers, Returns, and Certificates.

Return of deaths from public institutions.

123. The superintendent, keeper, or other officer in charge of any prison, hospital, asylum, or other public institution of the colony shall, on or previous to the fourteenth day of January and the fourteenth day of July in every year, make out and transmit to the protector of immigrants a return of all immigrants who may have died while inmates of such prison, hospital, asylum, or institution during the six months previous to such months of January and July respectively, and shall transmit therewith a summary of the disposal of any money or other valuables found on such immigrants or handed over to him for safe keeping by the immigrants.

Registers to be kept on estates.

124. (1.) Every manager of an estate on which any immigrant may be under indenture, shall keep register books supplied by the protector of immigrants at the cost of the employer.

(2.) Such registers shall be at all times open to the inspection of the protector of immigrants, the colonial surgeon and the district medical officers, and shall be produced in court if the magistrate or protector of immigrants shall so require in all proceedings taken under this Ordinance by or against any immigrant under indenture on such estate, and

(3.) Shall include the following registers:—

(*a.*) The several indenture lists received by the manager on allotment of immigrants, or after his entering into contracts of service with any immigrants, or any copies of such indenture lists which shall have been certified by the protector of immigrants.

(*b.*) A register of births occurring on the estate, Schedule Form No. 14.

(*c.*) A register of deaths occuring on the estate, Schedule Form No. 15.

(*d.*) A register of marriages occurring on the estate, Schedule Form No. 16, contracted according to Christian rites, or under the provision of any Ordinance now or hereafter to be in force in respect of marriages of heathen immigrants, or otherwise.

(*e.*) A register of dwellings on such estate.

(*f.*) A register of absences on leave.

(*g.*) A register of proceedings before stipendiary magistrates.

(*h.*) A register of deserters.

(*i.*) A muster roll book.

(*j.*) An official visitor's book.

(*k.*) A case book.

(*l.*) Pay list books,

and all or any other register named in this Ordinance or that may hereafter be ordered by the Governor to be kept.

[redacted]lty on agers ecting keeping of registers.

125. Every manager who—

(1.) Makes any false entry in any register or pay list, required to be kept or made by him under this Ordinance; or

(2.) Who fails to keep any such register or pay list in the form prescribed by this Ordinance; or

(3.) Who neglects to keep any such register or pay list carefully noted up; or

(4.) Refuses or neglects to send any register to the protector of immigrants when required by him so to do,

shall, on conviction, on the complaint of the protector of immigrants, be liable to a penalty of two pounds.

Protector to furnish copies of certificates, indenture lists, &c.

126. (1.) Every immigrant whose certificate of exemption from labour may be lost or destroyed, shall be entitled, on proving to the protector of immigrants that he is then entitled to such certificate, and that such certificate has been lost or destroyed, and on payment of one shilling, to receive a copy of such certificate; and

(2.) Every employer shall at any time be entitled to a copy of any indenture list of immigrants delivered to him on payment of one pound, or of five pence per immigrant if less than fifty; and every employer and immigrant shall be entitled to receive a certified extract from any register kept by the protector of immigrants on payment of five pence for every line of such extract.

(3.) Every such duplicate or certified extract shall be received in evidence of any fact therein recorded, without further proof.

Penalty for personation in use of passes, &c.

127. If any immigrant uses or attempts to use any certificate of exemption from labour or any pass signed by an employer, not being the immigrant to whom such certificate or pass was granted, he shall on conviction be liable to a penalty of two pounds.

Penalty for forging certificate.

128. Every person who forges or alters, or offers, utters, disposes of, or puts off, knowing such to be forged or altered, any certificate of exemption from labour or other document mentioned in this Ordinance, or any endorsement provided by this Ordinance to be made thereon, with intent to defraud, shall be guilty of a felony, and, being convicted thereof before the Royal Court, shall be liable to be imprisoned, with or without hard labour for any term not exceeding three years.

Penalty for forging passports, &c.

129. Any person who forges, alters, disposes of, or puts off, knowing such to be forged or altered, any passport or pass mentioned in this Ordinance, with intent to defraud, shall on conviction before the Royal Court be liable to be imprisoned with or without hard labour for any term not exceeding one year.

Part XVII.

Miscellaneous.

Muster roll book. Schedule. Form No. 20.

130. (1.) The manager of every estate on which they are indentured immigrants, shall keep a book to be called a "Muster Roll Book," which shall contain in alphabetical order the names of all the indentured immigrants on such estate, and shall be in such form as may be fixed by the protector of immigrants.

Daily roll call.

(2.) The manager shall order every immigrant to attend daily at such time and place as he shall appoint for that purpose, and then and there shall call over the names of all the immigrants of the estate, and shall note on such muster roll those who are present and those who are absent, and shall ascertain and record the cause of absence in each case.

(3.) Every manager who fails to comply with any of the above provisions of this section, or who makes a false entry on the roll, shall on conviction on the complaint of the protector of immigrants be liable to a penalty of five pounds.

(4.) Every immigrant who without lawful cause absents himself from such roll call, shall on conviction, on the complaint of the manager, be liable to a penalty of two pounds.

Prohibition of ganja.

131. (1.) No ganja shall be imported into or grown in this colony.

(2.) All ganja imported into or grown in this colony shall be forfeited.

(3.) Every person who imports or is concerned in the importing of ganja into this colony, or has ganja in his possession, and every person who plants or cultivates ganja in this colony, shall, on conviction, be liable to a penalty of one hundred pounds.

(4.) Every person who sells or gives ganja to any immigrant shall, on conviction, be liable to a penalty of one hundred pounds.

(5.) The Governor may award any portion not exceeding one moiety of any penalty under this section, when recovered, to any person who may have afforded such information as had led to a conviction.

Prohibition of dole of rum.

132. (1.) No dole of rum or food shall be given to any indentured immigrant by the employer or by the manager of the estate to which such immigrant is indentured.

(2.) Every employer or manager who contravenes the above provision of this section shall, on conviction, be liable to a penalty of two pounds.

Prohibition of shop on estate.

133. (1.) No shop shall be kept by the owner, manager, overseer, or other employé of any estate having indentured immigrants, either upon such estate or within three miles thereof: Provided that this section shall not apply to any shop kept in any town or village.

(2.) If any shop is so kept by or for the profit of any such owner or manager, or by or for the profit of any of his subordinate officers with his permission, connivance, or knowledge; such owner or manager shall on conviction on the complaint of the protector of immigrants, be liable to a penalty of ten pounds, and every other office to a penalty of five pounds; and to a further penalty of one pound for every day thereafter during which such shop shall so be kept open.

Prohibition of borrowing money from immigrant.

134. (1.) No employer, manager, or other officer of an estate having indentured immigrants shall, without the sanction in writing of the protector of immigrants, borrow money from any of such immigrants.

(2.) Any officer of an estate violating this provision of the Ordinance, shall, on conviction, the protector of immigrants complaining, be liable to a penalty of five pounds.

Provision for maintenance of orphans.

135. (1.) Subject to the control of the Governor, the protector of immigrants shall make provision for every child bereft of both parents, either by giving him away to some trustworthy person willing to adopt him under written conditions, or by paying a suitable person for his care and maintenance till other provision can be made for him, and charging the cost to the Immigration Fund.

(2.) Such orphans shall have no claim on the Immigration Fund, either for a free passage to India or the commutation for bounty or land.

Validity of marriages according to Indian Rites.

136. On arrival from India, all immigrants who shall satisfy the protector of immigrants that they have, during the voyage, made marriages according to Indian custom, shall be recorded as man and wife; and subsequently, all marriages contracted in the Colony according to Indian custom, and duly attested and recorded in the register of the Immigration Office, at the time of the celebration, shall be valid.

Immediate reporting of births and deaths.

137. Immediately on the occurrence of any birth or death on an estate having indentured immigrants, or in a hospital or other public institution, the responsible officer of the estate or public institution shall send a report of it to the protector of immigrants.

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Early reporting of sentences of imprisonment.

138. (1.) In every case in which a sentence of imprisonment is recorded against an indentured immigrant, the Registrar of the Royal Court or the clerk of the district court, shall, as soon as convenient, notify the protector of immigrants and the employer, of the name of the immigrant, his estate, his offence and his term of imprisonment.

(2.) And no claim for the lost time of such imprisonment shall be valid unless the manager of the estate to which the immigrant was assigned, make the entry of it at the time of its occurrence.

Burials at cost of estates.

139. When an immigrant, indentured or otherwise, dies on an estate on which he has been working, it shall be the duty of the proprietor of the estate to bear the expense of his burial.

Part XVIII.

Procedure.

Procedure to be summary.

140. Every information laid or complaint made under any provisions of this Ordinance shall be laid or made before the magistrate of the district in which the offence was committed or the cause of complaint arose, and the procedure shall, unless otherwise provided by this Ordinance, be that provided by any Ordinance for the time being in force for the regulation of procedure in the district courts. Provided that any such information or complaint against an indentured immigrant shall be laid or made within one month from the date of such offence or cause of complaint; and every citation, summons or other process in behalf of such indentured immigrant shall be furnished by the clerk of the district court free of charge. Provided further that if the protector of immigrants shall, on behalf of any indentured immigrant see fit to carry any summons, conviction or order of any magistrate in any case of summary jurisdiction under this Ordinance to an appeal court, he may make his application at any time within one month after the hearing.

Protector may represent immigrant.

141. Every information which may be laid or complaint which may be made under this Ordinance by an immigrant, may be laid or made by the protector of immigrants on his behalf.

Employer as plaintiff not bound to attend.

142. In any proceedings taken by an employer or manager against an immigrant under this Ordinance, it shall not be necessary for the complainant to attend in person, unless the complainant be a material witness on the part of such immigrant, in which case the hearing may be postponed.

Evidence of documents admissible.

143. Every indenture, contract, document, or other proceeding, or any copy thereof, or any extract from any register directed to be kept by the protector of immigrants, certified by or purporting to bear the signature of the protector of immigrants, or any employer, shall be received as *prima facie* evidence of the original, and of the truth of the contents thereof, without further proof.

Evidence of defendant admissible.

144. The defendant in all proceedings under this Ordinance shall be entitled to be sworn and to tender his evidence on oath; and every heathen immigrant shall make such oath or affirmation as he shall declare to be binding on his conscience, and shall be liable in case of falsehood to be convicted and punished as for perjury.

Only one proprietor need be named.

145. In any proceedings taken by or against an employer, in which it is necessary to state the ownership of any property belonging to or in the possession of the proprietors of any estate, it shall be sufficient to name any one of such proprietors, or the attorney of such proprietors, and to state such property to belong to the person so named and another or others, as the case may be.

Conditions of imprisonment of immigrant.

146. Every immigrant under indenture who is imprisoned by virtue of any conviction under this Ordinance, shall be imprisoned with hard labour, and every such immigrant imprisoned in any prison for which a scale of task work has been sanctioned by the Governor, shall fulfil such sentence of imprisonment by the performance in such prison of a number of tasks equal to the number of days for which he has been imprisoned; and he shall not be discharged till he has performed such tasks, except by the special order of the Governor.

Inquest on immigrant.

147. (1.) Every inquest upon the body of an Asiatic or other immigrant known or registered to be such within the meaning of this Ordinance, shall be held by a magistrate without the intervention of a jury, who shall sum up the evidence and make and sign an order thereupon; and every such order shall be equivalent in all respects to a verdict signed by a coroner's jury and countersigned by a coroner.

(2.) Every such magistrate shall, on transmitting the inquisition to the Governor, transmit to the protector of immigrants a statement of such particulars in respect to the identity of the immigrant and the cause of his death, as he may be able to ascertain on such inquest.

Property of intestate deceased immigrant.

148. It shall be the duty of the protector of immigrants to collect and take possession of the property of any immigrant who may die in the Colony without making a will and without a relation in the Colony, and with the sanction of the Governor, to convert the said property into money and pay the proceeds into the Colonial Treasury, in order that it may be remitted to the person or persons in India or elsewhere who may be entitled thereto.

Mode, time, &c., of legal proceedings.

149. All legal proceedings under this Ordinance shall, where it is not otherwise provided, be taken in the name of the treasurer: Provided that every prosecution for a penalty under this Ordinace shall be commenced within six months after the commission of the offence by reason of which such penalty has been incurred, unless otherwise provided: Provided also that no fees shall be required by any public officer from the treasurer in respect of any proceeding instituted under this Ordinance.

Passed the Legislative Council, this 4th day of February 1891.

T. F. Meagher,
Acting Clerk of Councils.